



REGULAR MEETING OF THE SAN MARCOS PLANNING AND ZONING COMMISSION

Tuesday, April 26, 2011, 6:00 p.m.
City Hall Council Chambers
630 E. Hopkins Street

Bill Taylor, Chair
Bucky Couch, Vice-Chair
Sherwood Bishop, Commissioner
Randy Bryan, Commissioner
Curtis O. Seebeck, Commissioner
Jim Stark, Commissioner
Chris Wood, Commissioner
Travis Kelsey, Commissioner
Kenneth Ehlers, Commissioner

AGENDA

1. **Call to Order.**
2. **Roll Call.**
3. **Chairperson's Opening Remarks.**
4. ***NOTE:*** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*
5. **Citizen Comment Period.**
6. **PR-11-05 (Underground Utility Area Ordinance)** Hold a public hearing to consider amending the Land Development Code Section 4.3.4.6 to require all new construction to be built within the area generally bounded by University Drive on the north, LBJ Drive on the west, Hutchison Street on the south and Moon Street on the east to have underground utilities from the building to the property line.
7. **CUP-11-02 (Frank's Auto Shop)** Hold a public hearing and consider a request Carlos Hernandez, on behalf of Frank Sanchez, to use 7,500 square feet of an existing 13,500 square foot auto repair garage as an auto paint and body garage.
8. **CUP-11-05 (Panhandler Pizza)** Hold a public hearing and consider a request by Dough Dough, LLC, on behalf of Hunter Retail Partners, Ltd., for renewal of a Conditional Use Permit to allow the on-premise consumption of beer and wine at 102 Wonderworld Drive #401.
9. **A-11-01 (Chestnut Street Lofts)** Hold a public hearing and consider a request by Chestnut Street Lofts, LLC, on behalf of 817 Statehouse, Inc, to abandon undeveloped ROW described as Live Oak Street on the plat and commonly known as Acorn Street from the intersection of Acorn Street and Chestnut Street to the intersection of Acorn Street and W. Sessoms Drive.

10. **LUA-11-04 (Chestnut Street Lofts)** Hold a public hearing and consider a request by Chestnut Street Lofts LLC, on behalf of 817 Statehouse, Inc, for a land use map amendment from Low Density Residential to Mixed Use for 0.36 acres described as Lot 108 of the Park Addition, Third Division and located at 907 Chestnut Street.
11. **ZC-11-07 (Chestnut Street Lofts)** Hold a public hearing and consider a request by Chestnut Street Lofts LLC, on behalf of 817 Statehouse, Inc, for a zoning change request from MF-12 to Mixed Use for 0.36 acres described as Lot 108 of the Park Addition, Third Division and located at 907 Chestnut Street.
12. **LUA-11-05 (Chestnut Street Lofts))** Hold a public hearing and consider a request by Chestnut Street Lofts LLC, on behalf of 817 Statehouse, Inc, for a land use map amendment from Commercial to Mixed Use for 1.387 acre area described as Lots 111, 114, 110, 115, and 116 of the Park Addition, Third Division and located at 817 Chestnut Street.
13. **ZC- 11-08 (Chestnut Street Lofts).** Hold a public hearing and consider a request by Chestnut Street Lofts LLC, on behalf of 817 Statehouse, Inc, for a zoning change request from Neighborhood Commercial (NC) to Mixed Use (MU) for 1.387 acre area described as Lots 111, 114, 110, 115, and 116 of the Park Addition, Third Division and located at 817 Chestnut Street
14. **PDD-11-01 (Chestnut Street Lofts)** Hold a public hearing and consider a request by Chestnut Street Lofts LLC, on behalf of 817 Statehouse, Inc, for a PDD Overlay with a Mixed Use (MU) base zoning district for 1.90 acre area described as Lots 108,111,114,110, 115, and 116 of the Park Addition, Third Division and the adjacent undeveloped ROW of Live Oak Street (also known as Acorn Street) and located at 817 Chestnut Street.
15. **PVC-10-05 (4848 Lost Prairie Lane)** Hold a Public Hearing and consider a request for a variance to section 6.7.2.1(b) of the Land Development Code, which requires that each lot on a plat shall front onto a dedicated, improved public street, for an approximately 1.0012 acre tract out of and part of the S.A and M.G railroad co. Survey No. 534 Abstract No. 308 in Guadalupe County, Texas.
16. **PVC-10-06 (4848 Lost Prairie Lane)** Hold a Public Hearing and consider a request for a variance to section 6.7.2.1(j) of the Land Development Code, which requires that lot depth shall not exceed three times the lot width for lots platted after March 10, 1975, for an approximately 1.0012 acre tract out of and part of the S.A and M.G railroad co. Survey No. 534 Abstract No. 308 in Guadalupe County, Texas.

17. Discussion Items.

Commission members and staff may discuss and report on items related to the Commission's general duties and responsibilities. The Commission may not take any vote or other action on any item other than to obtain a consensus regarding items that will be placed on future agendas for formal action.

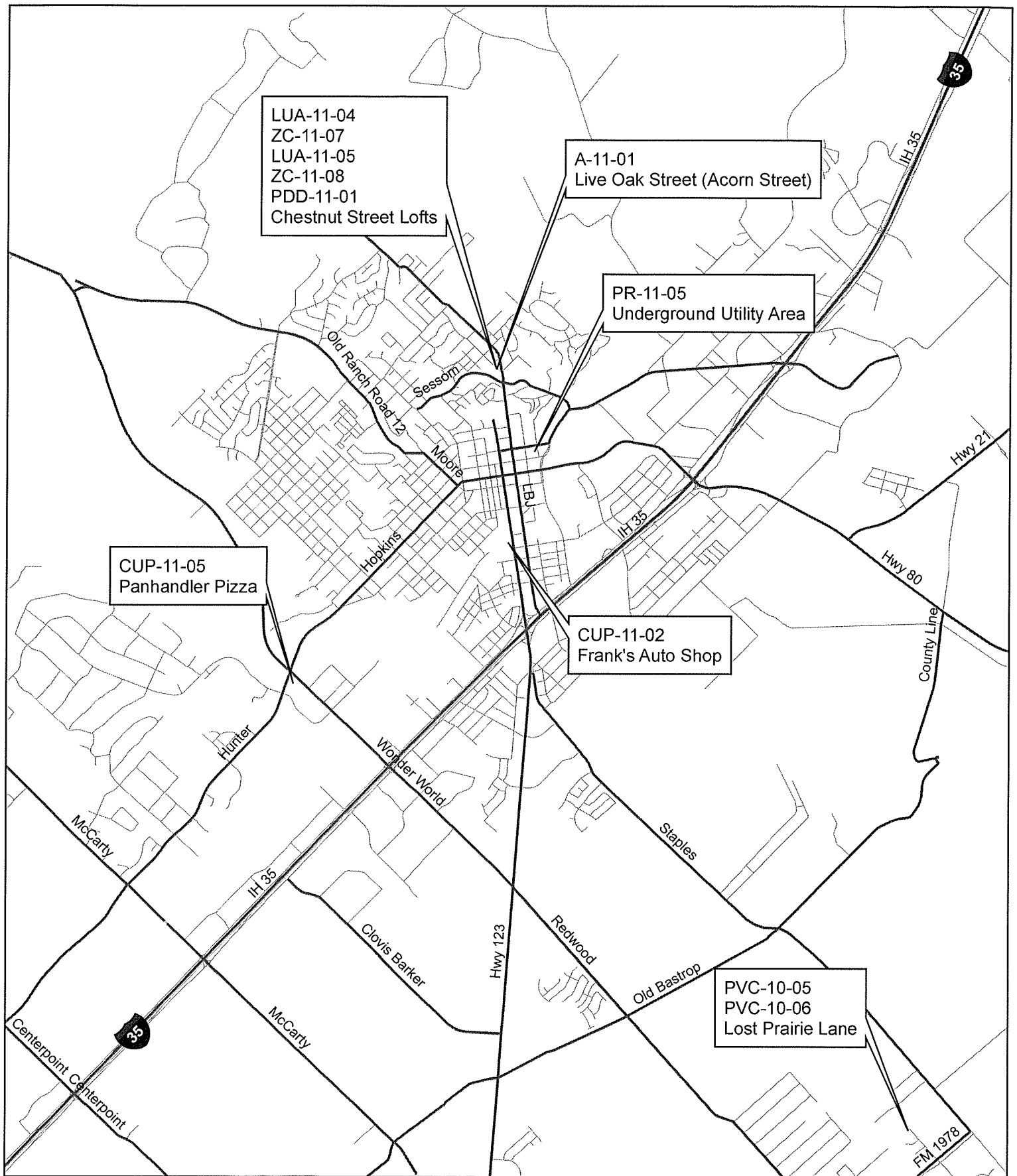
Planning Report

- a. Land Development Code revisions

Commissioners' Report.

18. Consider approval of the minutes from the Regular Meeting on April 12, 2011.
19. Questions from the Press and Public.
20. Adjourn.

Notice of Assistance at the Public Meetings: The San Marcos City Hall is wheelchair accessible. The entry ramp is located in the front of the building. Accessible parking spaces are also available in that area. Sign interpretative for meetings must be made 48 hours in advance of the meeting. Call the City Clerk's Office at 512-393-8090.



Location Map April 26, 2011

City of San Marcos, Development Services - Planning
Created by Erika Ragsdale
Date: April 21, 2011
Map is not of survey quality.
No warranty is assumed or implied.

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Miles





DEVELOPMENT
SERVICES-PLANNING

MEMO

TO: PLANNING AND ZONING COMMISSION
THRU: MATTHEW LEWIS, DIRECTOR OF DEVELOPMENT SERVICES
FROM: SOFIA NELSON, SENIOR PLANNER
DATE: APRIL 19, 2011
RE: PR-11-05- UNDERGROUND UTILITY AREA ORDINANCE

Summary of Ordinance

The proposed LDC revision establishes an Underground Utility Area that is generally bounded on the north by University Drive, on the east by Moon Street on the south by Hutchison Street, and on the west by LBJ Drive. The proposed Land Development Code amendment would require telecommunication companies to bury utility lines within the underground utility area. The requirement for underground utilities would not require a developer to have to retrofit existing utilities. However it would require all new development within the described area have underground utilities from the building to the property. Additionally all utilities extended from off-site to serve development must also be underground or within an easement along the rear of the property, to the extent practicable, to eliminate the amount of overhead utilities

Background

Texas State University and the City of San Marcos have agreed to provide underground electric services to the future site of the Texas State University Performing Arts Center (to be located along University Drive, between Edward Gary and Moon Street). The Downtown Master Plan established a goal of updating the utility infrastructure in a manner consistent with the vision of the Downtown Plan. Additionally, the downtown plan specifically recommends the replacement of aerial electric and telecommunication lines as other street projects are undertaken.

ORDINANCE NO. 2011-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, AMENDING THE SAN MARCOS CITY CODE BY ADDING A NEW SECTION TO CHAPTER 4, ARTICLE 3 ENTITLED “UNDERGROUND UTILITY AREA”; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. The San Marcos City Code is hereby amended by adding a new Section 4.3.4.6 to Chapter 4, Article 3 as follows:

“Section 4.3.4.6 Underground Utilities.

(a) Purpose. The City makes the following findings and determinations:

- (1) Downtown San Marcos is known throughout Texas for its attractive courthouse square, vibrant commercial activity that enhances tourism and improves the quality of life for all citizens of the city.
- (2) The city wishes to beautify these areas and encourage redevelopment to the surroundings in a form that will not adversely affect the downtown area of the City.
- (3) The adoption of this Ordinance is in the interest of the public health, safety and welfare.

(b) *Establishment of Underground Utility Area.* The “Underground Utility Area” is generally bounded on the north by University Drive, on the east by Moon Street on the south by Hutchison Street, and on the west by LBJ Drive. The Underground Utility Area boundaries are generally depicted on the map attached hereto as Exhibit A and incorporated herewith if set out in full. Conflicts between the general description in Section 4.3.4.6(b) and the boundary map depiction in Exhibit A will be determined by the Public Services Director.

(c) *Standards for Development:* The following standards establish provisions that apply to the Underground Utility Area. The standards of this Section supplement the standards for any underlying District.

- (1) *Underground utilities.* All Development in the Area described in Section 4.3.4.6(b) and depicted in Exhibit A shall have underground utilities from the building to the property line. The term Development in this section shall have the same meaning as defined in Chapter 8, Article 1: General Definitions, Subsection 81, as amended. All utilities extended from off-site to serve development must also be underground or

within an easement along the rear of the property, to the extent practicable, to eliminate the amount of overhead utilities within the area described in Section 4.3.4.6 (b) and depicted in Exhibit A. The developer shall not have to retrofit existing utilities.

- (2) Utilities within the Underground Utility Area shall be subject to the standards, rules and regulations in Chapter 74, Article 4, Chapter 86, Article 4, the City's utility extension policies, and any other applicable codes and ordinances."

SECTION 2. If any word, phrase, clause, sentence, or paragraph of this Ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 3. This ordinance will take effect after its adoption on second reading.

PASSED AND APPROVED on first reading on May 3, 2011.

PASSED, APPROVED AND ADOPTED on second reading on May ___, 2011.

Attest:

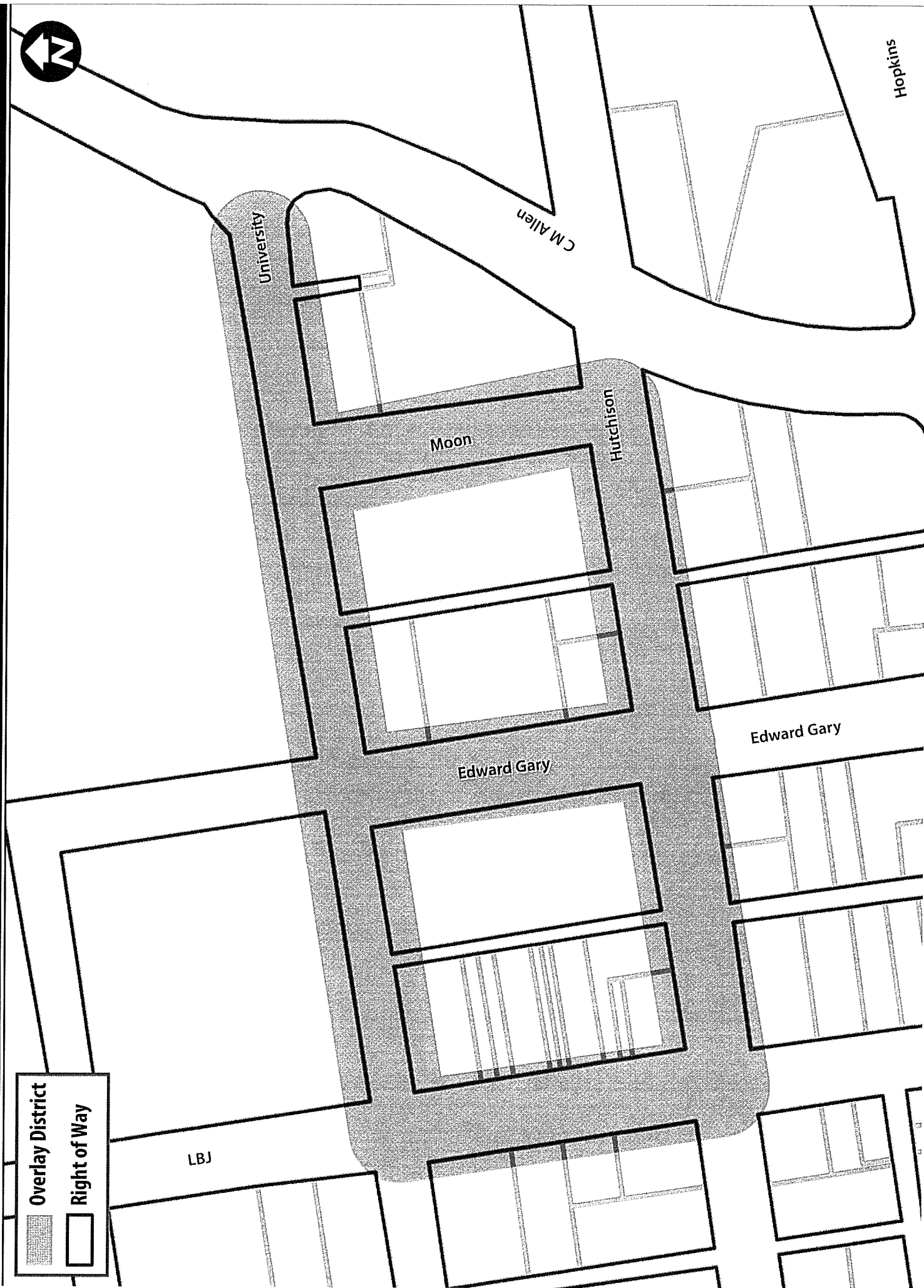
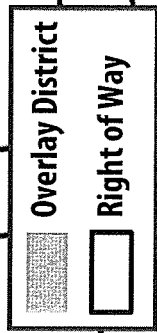
Approved:

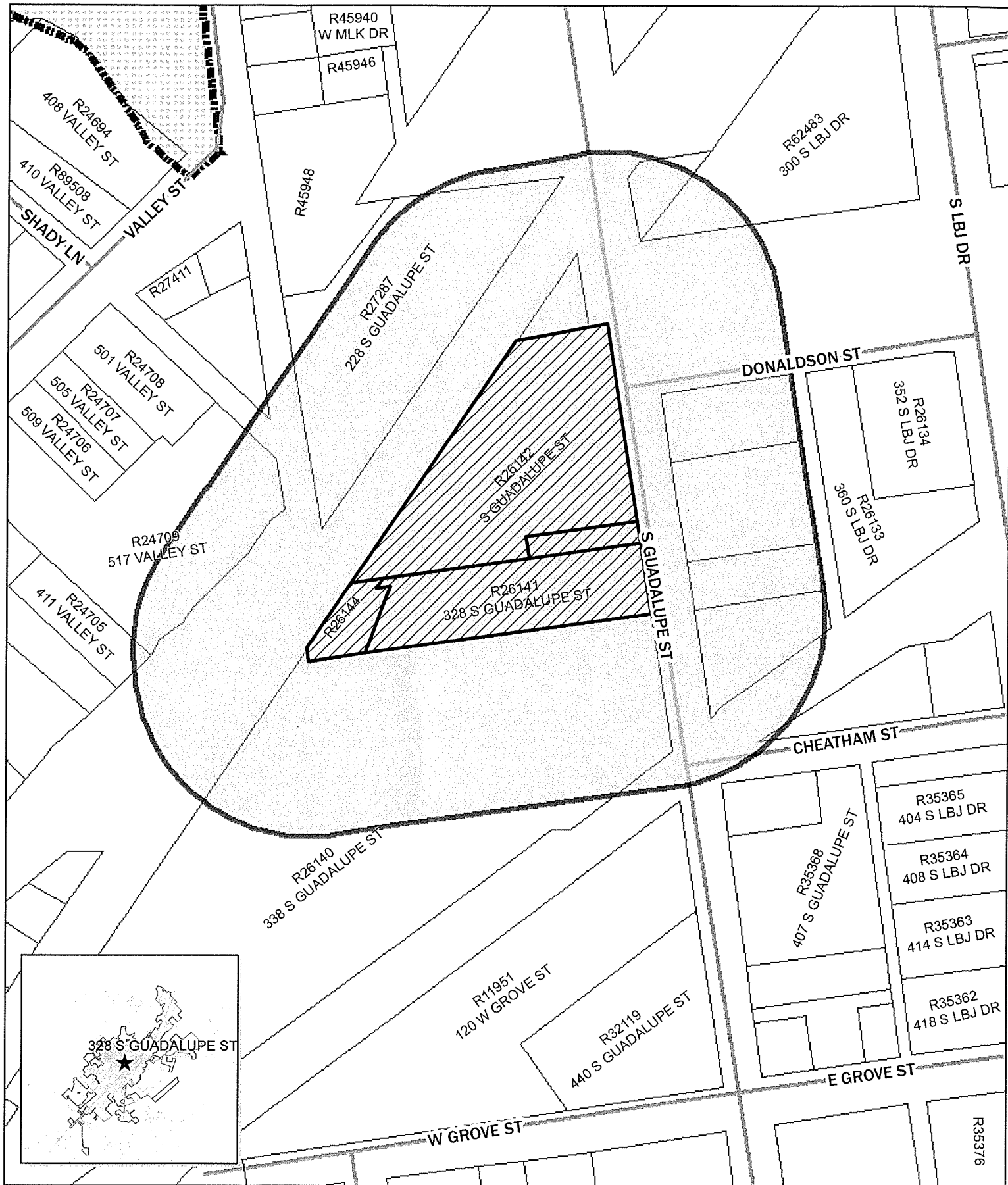
Jamie Lee Pettijohn
City Clerk

Michael J. Cosentino
City Attorney

Potential Overlay District for University Underground Electrical Distribution

Map date:
April 19, 2011

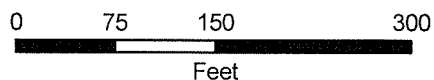




CUP-11-02
328 S Guadalupe
Map Date: 3/28/11

-  Notification Buffer (200 feet)
-  Site Location
-  Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



CUP-11-02
Conditional Use Permit
Frank's Auto Shop
328 S. Guadalupe



Applicant Information:

Applicant: Carlos Hernandez
907 Field St
San Marcos TX 78666

Property Owner: Frank Sanchez
328 S. Guadalupe
San Marcos TX 78666

Applicant Request: A Conditional Use Permit (CUP) to allow 7,500 square feet of an existing 13,500 square foot building to be converted from general auto repair to an auto paint and body garage.

Notification: Public hearing notification mailed on Friday, April 1, 2011.

Response: No responses as of April 19, 2011

Subject Property:

Location: 328 S. Guadalupe

Legal Description: BF Donaldson Lot 3A Block 2

Frontage On: Guadalupe

Neighborhood: Adjacent to East Guadalupe

Existing Zoning: General Commercial

Master Plan Land Use: Commercial

Sector: Sector 4

Utilities: Existing

Existing Use of Property: Auto Repair

Proposed Use of Property: Auto Repair with Paint and Body Repair

Zoning and Land Use Pattern:

	Zoning	Existing Land Use
N of Property	CC	Railroad Tracks/Hardware Store
S of Property	GC	San Marcos Station
E of Property	CC	Offices/Retail
W of Property	GC	Car yard/Railroad Tracks

Code Requirements:

A Conditional Use Permit (CUP) allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with

adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

The Land Use Matrix lists "auto body repair" as conditional in General Commercial.

Case Summary

The subject property is a 1.572 acre tract located on the west side of South Guadalupe Street, which is currently being used as an auto mechanic shop. The applicant requested and received a zoning change from Community Commercial to General Commercial in early 2011 in anticipation of this request. Auto body repair is not allowed in Community Commercial but is conditional in General Commercial. This request was filed concurrently with the zoning change but could not be considered until the zoning change was approved by City Council. Upon approval of this request, the owner intends to expand the existing building and construct additional parking on the site.

Comments from Other Departments:

The Health Department, Police, Fire, Engineering, Code Enforcement, and Building have not reported concerns. The Building Department stated that the addition of auto painting will trigger additional ventilation requirements. Also, the Building Official has received a complaint that the site has been used for storage of towed vehicles. Code Enforcement stated that there are problems with cars parked in drive aisles and in the right-of-way.

Planning Department Analysis:

Surrounding uses include a mix of transportation and auto-related businesses and retail uses. The San Marcos Transportation Station is adjacent immediately to the south, with Purgatory Creek and the railroad tracks running behind the site to the west and north. The undeveloped parcel of land immediately to the north is the location of the proposed expansion. Uses to the east include industrial supply and offices. This area of San Marcos is characterized by numerous auto parts stores, mechanics' shops, and other auto-related uses.

The subject property is within the proposed mandatory downtown SmartCode area. City Council voted to approve the SmartCode on first reading at the April 19th meeting, but the ordinance must have a second reading before taking effect. Auto repair uses are by warrant in the T5 zones, which means that were the SmartCode in effect, this request would be heard by the Planning and Zoning Commission under the same criteria as it is in the LDC. The owner intends to expand the existing building and construct additional parking on the site. If the permit application is submitted prior to the effective date of the SmartCode zoning, LDC requirements will be in effect, otherwise, SmartCode standards will apply.

The site does not meet the LDC requirement for parking. A variance was requested on this site in 2001, VR-01-10, to allow a reduction in required parking by allowing a new building on the rear of the lot. A building permit was issued and parking was reduced. This new building is where the applicant is proposing auto body painting. However, staff can find no record of approval for the variance. It was tabled at the May 8, 2001, Zoning Board of Adjustments meeting. Staff has asked the applicant for any documentation allowing this variance. As of the date of this report, no record has been provided. Since the owner is proposing expansion to both the building and parking lot currently, staff recommends that all code requirements for parking be met or legally varied from as allowed by code as a condition of approval.

Expansion of the existing building will require replatting. Due to the site's adjacency to Purgatory Creek, it will be necessary to file Watershed Protection Plans prior to platting. A site plan and plat are attached, but they have not been formally submitted or reviewed by all Departments, and their inclusion with this report does not indicate site plan approval.

The Sector Four plan sites Guadalupe Street as a commercial corridor. Considering that auto repair uses are common along this corridor and particularly in this area and the site is adjacent to the railroad tracks, staff has not identified any compatibility issues from the proposed request provided all code requirements are met.

Staff provides this request to the Commission for your consideration and recommends approval of the Conditional Use Permit with the following conditions:

- 1. Property may not be used as a tow yard, vehicle storage, or impoundment**
- 2. The site shall meet all applicable city code requirements for parking or obtain variances as allowed by code prior to this CUP taking effect**
- 3. All ventilation and other building code requirements for painting areas shall be met prior to any auto painting on-site.**

Planning Department Recommendation:	
	Approve as submitted
X	Approve with conditions or revisions as noted
	Alternative
	Denial

The Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- The proposed use at the specified location is consistent with the policies embodied in the adopted Master Plan;
- The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
- The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
- The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
- The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
- The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

Prepared by:

John Foreman

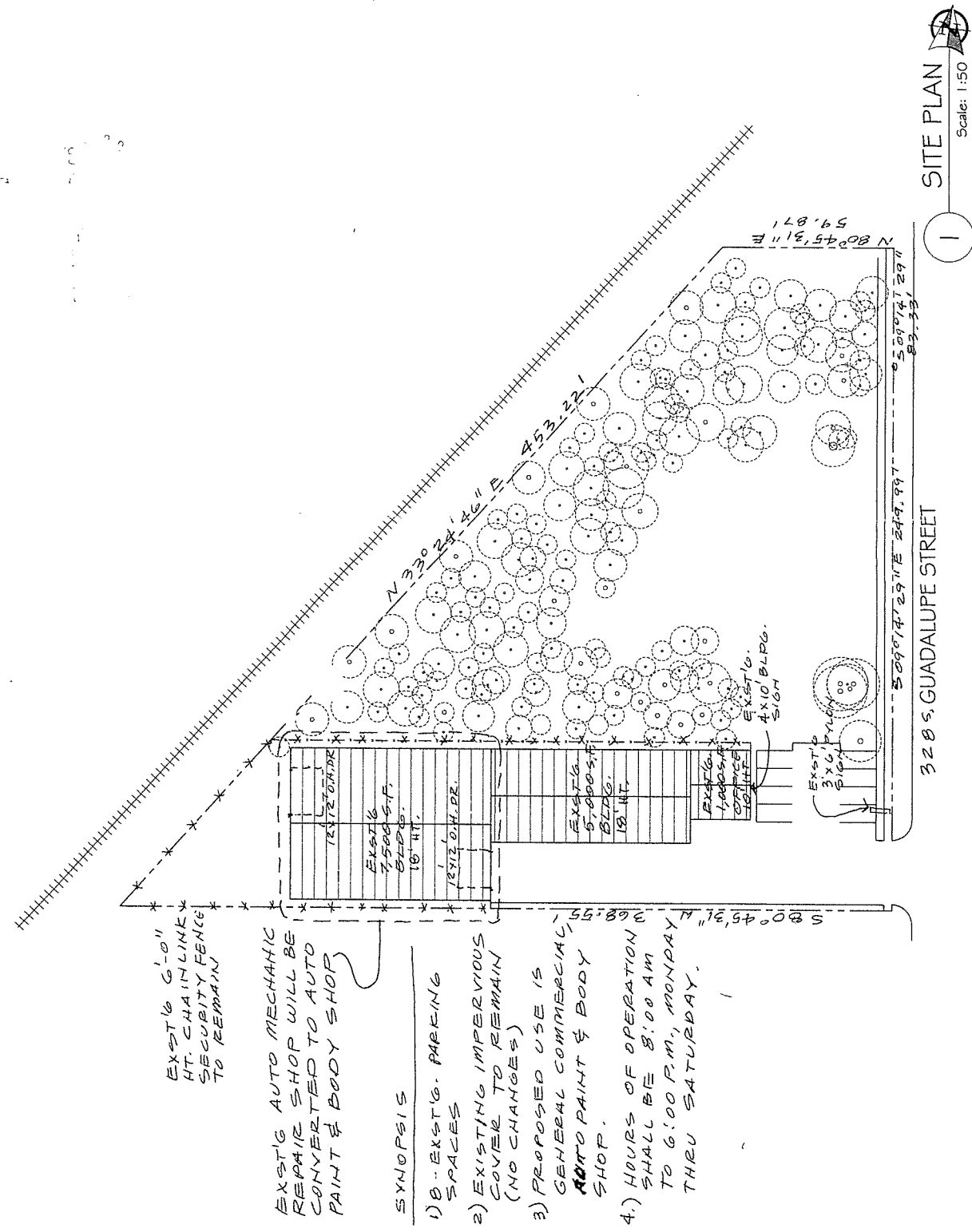
Planner

April 19, 2011

Name

Title

Date



SITE PLAN
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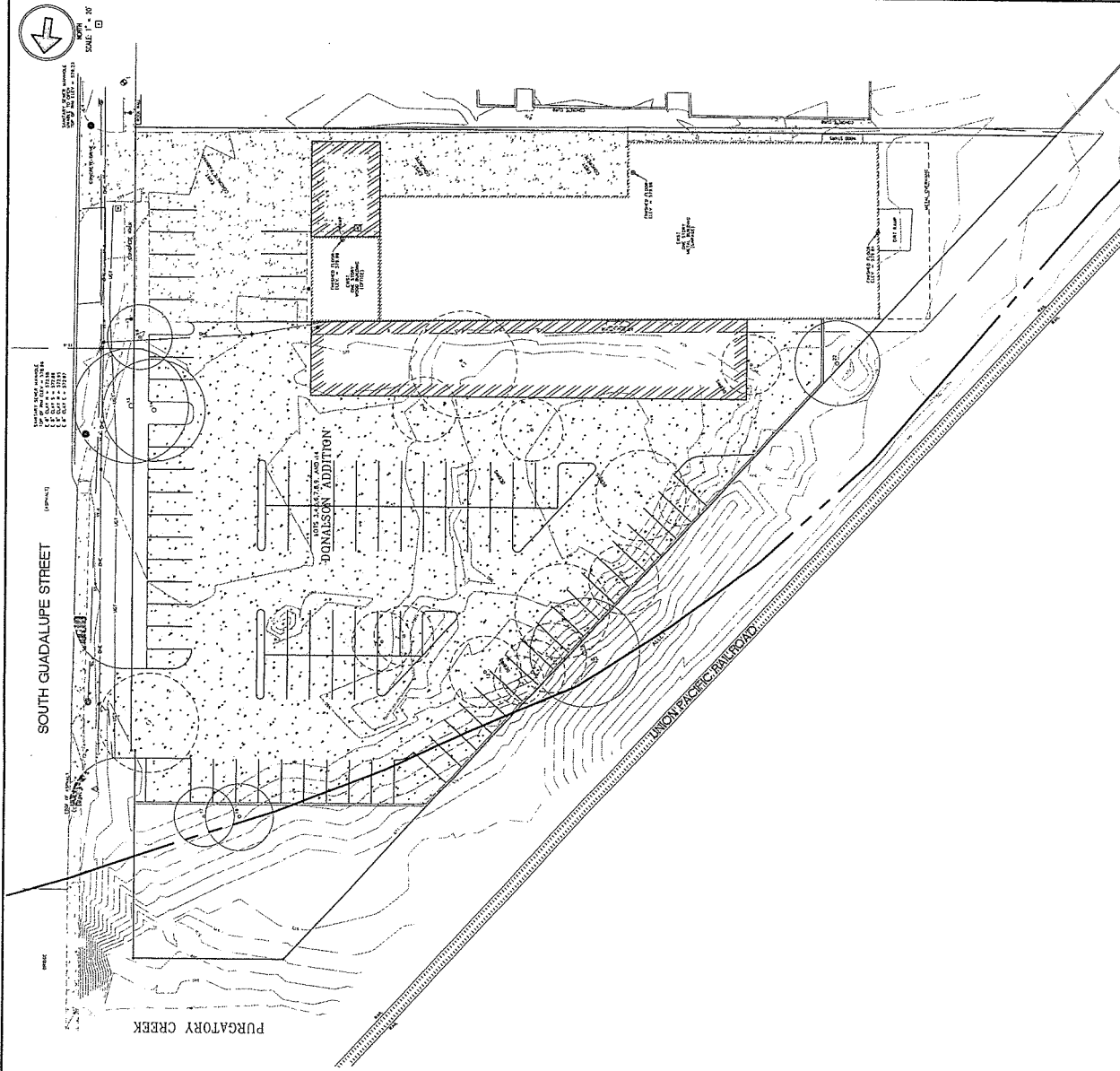
GRIFFITH CONSULTING
ENGINEERING SURVEYING PLANNING,
FIRM # F-10052
JAMES W. GRIFFITH
4000 SENDERO SPRINGS
ROUND ROCK, TEXAS 78665
(512) 626-0023
EMAIL: jwg@gconcs.net

FRANK'S AUTOMOTIVE

GUADALUPE STREET
SAN MARCOS, TEXAS
EXISTING CONDITIONS (SURVEY) &
DEMOLITION PLAN




PROJECT: AUTOMATA SUPPLIES	DESIGNED BY: CV
PLUG:	DRAWN BY: JT
DATE: MAY 2010	CHECKED BY: JT
REVIEWED BY:	

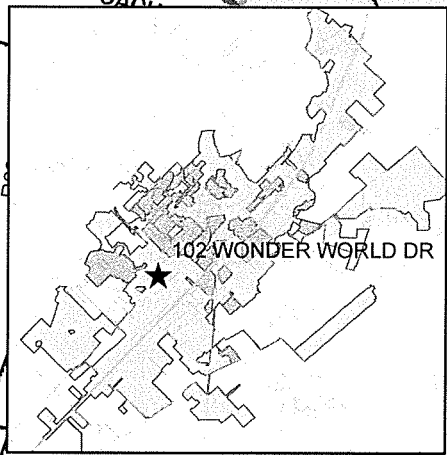
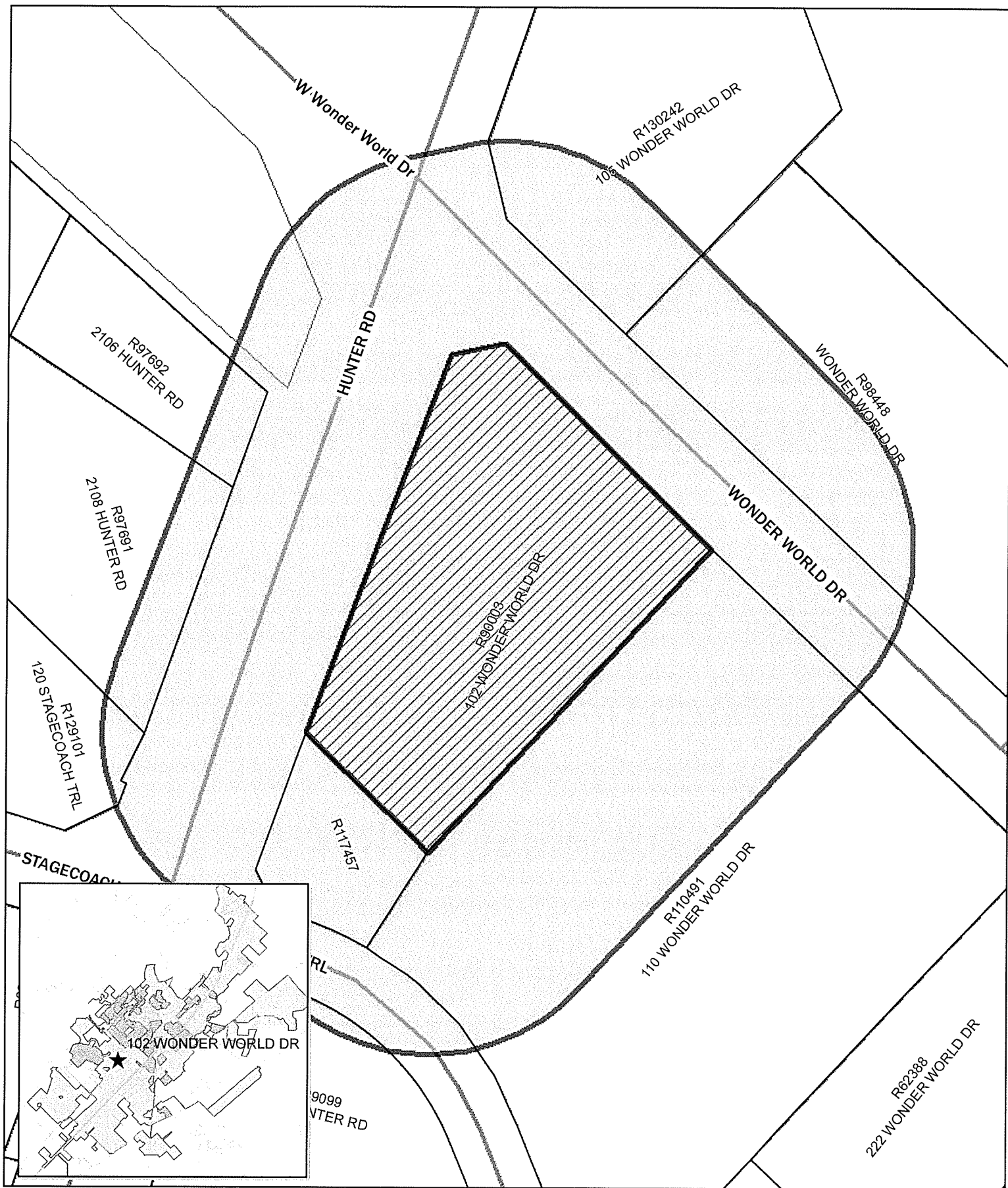
F~N~F CAD SERVICES
 604 LAKEWAY DRIVE
 GEORGETOWN, TEXAS 78628
 (512) 470-1489



TREE LIST	
1 PAID BASIC	70*
2 COMMUNITY	15
3 CHAIRMAN	15
4 SECRETARY	15
5 TREASURER	15
6 CHAIRMAN	21.5*
7 SECRETARY	15
8 TREASURER	15
9 BOARD MEMBER	15
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13 BOARD MEMBER	15
14 CHAIRMAN	14.5*
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TREE LEGEND & SYMBOLS

	TREE TO REMAIN
	TREE TO BE REMOVED
	TREE TO REMAIN MITIGATED FOR



CUP-11-05

Panhandler Pizza

102 Wonderworld #401

Map Date: 4/15/11



Notification Buffer
(200 feet)

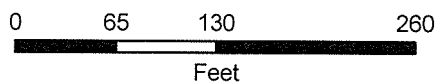


Site Location



Historic District

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CUP-11-05

Conditional Use Permit

Panhandler Pizza

102 Wonderworld Dr. #401



Applicant Information:

Applicant: Dough Dough LLC

Property Owner: Hunter Retail Partners
2110 A Boca Raton Dr.
Austin TX 78747

Applicant Request: Renewal of a Conditional Use Permit (CUP) to allow the sale of beer and wine for on-premise consumption at an establishment located at 102 Wonderworld Dr. #401.

Public Hearing Notice: Public hearing notification was mailed on April 15, 2011. No responses as of report date.

Subject Property:

Location: 102 Wonderworld Dr #401.

Legal Description: Lot 1, Park South Subdivision

Frontage On: Wonderworld Dr.

Existing Zoning: "CC" Community Commercial

Sector: Sector 9

Utilities: Adequate

Existing Use of Property: Restaurant

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of property	General Commercial	Pharmacy
S of property	General Commercial	Vacant
E of property	Planned Development District	McCoy's
W of property	General Commercial/Office Professional	Car Wash, Office Building

Code Requirements:

A conditional use permit allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located in a low density residential zoning district. This location **does** meet the distance requirements.

This location is outside the CBA and is not subject to the additional requirements in the CBA.

Case Summary

The Planning and Zoning Commission approved CUP-10-04 to allow on-premise consumption of beer and wine for a period of one year. This is a request for renewal of this CUP. No site or building changes are proposed at this time or have occurred since approval of CUP-10-04 according to the applicant.

Comments from Other Departments:

The Health Department, Police, Fire, Engineering, Code Enforcement, and Building have not reported concerns.

Planning Department Analysis:

In order to monitor new permits for on-premise consumption of alcohol, the Planning Department's standard recommendation is that they be approved initially for a limited time period. Other new conditional use permits have been approved as follows:

- Initial approval for 1 year;
- Renewal for 3 years;
- Final approval for the life of the State TABC license, provided standards are met.

Considering that staff, other departments, and the public have not stated concerns regarding the request, staff recommends approval of the Conditional Use Permit with the following condition:

- 1. The permit shall be valid for three (3) years, provided standards are met, subject to the point system.**

Planning Department Recommendation:	
	Approve as submitted
X	Approve with conditions or revisions as noted
	Alternative
	Denial

Prepared by:

John Foreman

Planner

2/14/2011

Name

Title

Date

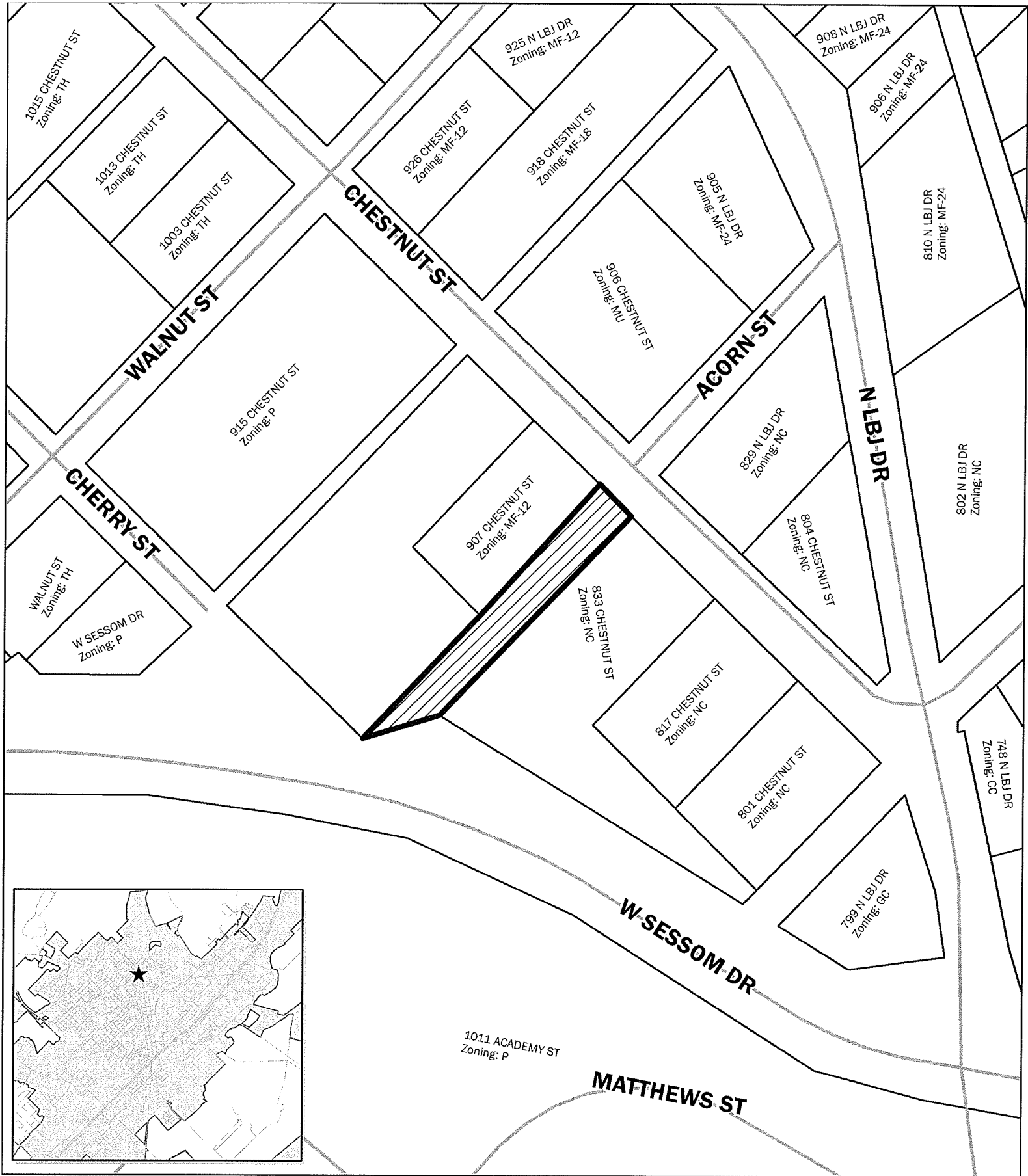
Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- is consistent with the policies of the Master Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;
- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.



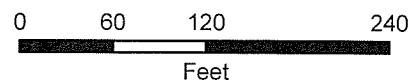
A-11-01
Live Oak (Acorn St) Abandonment
Map Date: 4/3/11



Site Location



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Staff Report
Street Abandonment
A-11-01 – Live Oak St (Acorn St)

Prepared by: Abigail Gillfillan
Date of Meeting: March 22, 2011

Applicant Information:

Applicant:	ETR Development 401 Dryden Ln Buda, TX 78610	Chestnut Street Lofts 7630 Red Bay Ct Dublin, OH 43016
Property Owner(s):	817 Statehouse, Inc. 1307 Brown St, San Marcos TX 78666	
Applicant Request:	Abandonment of an undeveloped ROW described as Live Oak St on the plat and commonly referred to as Acorn St.	

Notification:

Date Mailed: *The only abutting property owners are the City and the applicants*

Subject Property:

Location:	A portion of ROW beginning approximately 375' West of the intersection of Chestnut St and N. LBJ Dr and extending 268 feet to Sessoms Dr.
Size:	Approx 10,720 Sq Ft (40 ft X 268 ft)
Existing Utilities:	City of San Marcos Electricity – A major feeder line runs to the University through this ROW
Existing Use of Property:	Undeveloped ROW – provides pedestrian access to the adjacent parkland

Other Departments:

Parks Department:

This ROW serves as access to existing parkland. The Parks department has requested the following from the developer:

- The developer dedicate a public access easement the width of the ROW for access to the parkland
- The developer install a sign on Chestnut St. indicating that public access is provided
- Dedicate and construct 5 parking spaces that are to be utilized for park access.

San Marcos Electric Utility

There is a main line feeding the University that runs through this ROW. The Electric Utility Department has requested a Public Utility Easement equal to the width of the ROW for this line.

Case Summary:

The abandonment of the ROW described above is requested in conjunction with a proposed Planned Development District (PDD) referred to as Chestnut Street lofts. The abandoned property will become part of this proposed development. This portion of the ROW between Chestnut St. and Sessoms Dr. crosses very steep terrain including Sessoms Creek. The only lot fronting solely on this property is owned by the City of San Marcos as park land and the requested access easement would provide the needed access to this lot.

Staff Analysis:

The transportation goals of the Horizons Master Plan call for increased mobility and connectivity in our street networks. This segment of road is located relatively close to the existing connection of N. LBJ and Sessoms Dr. In addition the cost involved in constructing this 268' portion of ROW would far exceed the benefits of increased connectivity due to the hardships created by the physical topography of the area. Public ROW is needed for other

uses including utility infrastructure and pedestrian access. In this case this ROW is currently used both for electric utility lines as well as access to the adjacent park land. However there are other mechanisms such as utility and access easements that can service these needs.

The San Marcos City Code indicates 4 standards that must be met when considering the abandonment of a street or alley. The following analysis addresses the standards that must be met from the code:

- Street and alleys will be abandoned only in whole segments, except that a portion of a dead-end street or alley may be abandoned if the abandonment does not cause a part of the street or alley to become landlocked.
 - This abandoned portion of the ROW will not cause any properties to be landlocked when the access easement is provided
- A street or alley abandonment will not be approved if it causes substantial interference with access to any tract or parcel of property.
 - The adjacent park property is made up of several lots some of which have access to Chestnut St. The rear lots can be provided access through an easement. This will also create the ability for parking adjacent to the park entrance.
- A street or alley containing public utility facilities will be abandoned only if the facilities are relocated out of the street or alley or if a public utility easement is recorded covering the area occupied by the facilities. Unless otherwise agreed by the owners of the utilities, the cost of relocating the facilities or preparing survey descriptions for easements will be borne by the owners of the property abutting the segment to be abandoned.
 - This street does contain a main feeder electrical utility line serving the University. A utility easement can be granted that will provide the necessary space for this line.
- A street or alley abandonment will be approved only if the street or alley is not needed for future road or utility improvements.
 - The alley is not needed for future road improvements and a utility easement will provide the mechanism for any necessary utility improvements.

The Commission's Responsibility

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed street or alley abandonment. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the abandonment requesting. The City Council will ultimately decide whether to approve or deny this request, and will do so as follows.

- City Council reviews the recommendation for the Planning and Zoning Commission and provides direction to staff on whether the abandonment is acceptable subject to the obtaining of an appraisal.
- An appraisal for the area to be abandoned will be obtained.
- City Council will hold a public hearing and vote on the adoption of an ordinance approving the abandonment and the conveyance of the street for the appraised value.
- The City Council will consider the ordinance a total of 3 times as required by the City Charter.

The Commission's advisory recommendation to the Council is a discretionary decision. Your recommendation should be based on the standards listed in Section 74.087 of the San Marcos City Code.

Planning Department Recommendation:		
<input type="checkbox"/>		Approve as submitted
<input checked="" type="checkbox"/>		Approve with conditions or revisions as noted
<input type="checkbox"/>		Alternative
<input type="checkbox"/>		Denial

Staff is recommending that the abandonment of a 268' portion of Live Oak St (Acorn St) be approved with the following conditions:

- The developer dedicate a public access easement the width of the ROW for access to the parkland
- The developer install a sign on Chestnut St. indicating that public access is provided
- Dedicate and construct 5 parking spaces that are to be utilized for park access.
- Dedicate a Public Utility Easement that will cover the area needed for any current or future utility lines.

Land Use Map Amendment

LUA-11-04

Chestnut Street Lofts



Summary:

The applicant is requesting a Land use Map Amendment from Low Density Residential (LDR) to Mixed Use (MU) on Chestnut Street.

Applicant: Chestnut Street Lofts, LLC
c/o Celmark Development
7630 Red Bay Ct
Dublin, Ohio 43016

Property Owner: 817 Statehouse, Inc.
1307 Brown Street
San Marcos, Texas 78666

Consultant: ETR Dev Con, LLC
401 Dryden Lane
Buda, Texas 78610

Notification: Personal notifications of the public hearing were mailed on to all property owners within 200 feet of the subject property.

Response: None as of date of report publication.

Subject Property:

Location: 907 Chestnut Street

Legal Description: Lot 108, Park Addition, Third Division, 0.36 acres

Sector: 3

Current Zoning: Multifamily (MF-12)

Proposed Zoning: Mixed Use (MU), Planned Development District (PDD)

Current Future Land Use Map Designation: Low Density Residential (LDR)

Proposed Future Land Use Map Designation: Mixed Use (MU)

Surrounding Area:

	Current Zoning	Existing Land Use
N of Property	Mixed Use (MU)	Office uses
S of Property	P (Public)	Texas State University
E of Property	Neighborhood Commercial (NC)	Retail/office uses
W of Property	Townhouse (TH)	Residential

Planning Department Analysis:

The subject property is located north of the Texas State University campus on Chestnut Street, approximately 400 feet northwest of the intersection of Chestnut Street, North LBJ, and Forest Drive. This request is proceeding concurrently with a zoning change request from Multifamily (MF-12) to Mixed Use (MU), as well as a request for a Planned Development District (PDD) on this parcel and the adjacent parcel. The applicant is proposing to utilize the subject property to develop a mixed-use building comprising apartments, structured parking, and ground-floor retail.

Mixed Use land uses are typically characterized by ground-floor or street-front retail, and residential uses above and/or behind the commercial uses. They provide a variety of services within walking and biking distance for residents, and can provide a denser environment than found in typical residential developments. The subject property and the adjacent property which is the subject of LUA-11-05 and related zoning cases is located in an area characterized by a mix of residential and commercial uses. While the area immediately surrounding the site is not particularly dense with regard to dwelling units per acre, there are some very high-density residential developments in close proximity, as well as a couple of commercial retail centers and a service station. The area is highly walkable.

The subject property will have vehicular access to Chestnut Street and receive City water and wastewater from mains located along Chestnut Street and Sessom Drive. A Capital Improvement Project focused on North LBJ has planned improvements for this area including road and utility infrastructure improvements.

Staff has evaluated the request for consistency with the Horizons Master Plan and the Sector 3 Plan. Mixed Use is recommended for 0.67% of the total area of Sector 3, including areas surrounding the subject site to the north and west.

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			<p>Policy LU-1-1: The City shall ensure that all land use decisions are in accordance with the vision statement, goals, and policies in the Future Land Use Plan and other elements of the Master Plan.</p> <p><i>Comment: The subject property's proposed land use designation of Mixed Use is in keeping with surrounding properties.</i></p>
X			<p>Policy LU-1.21: The City shall encourage new development to locate in areas already served by utilities and other community facilities.</p> <p><i>Comments: Existing city utilities are in place to serve this property.</i></p>
X			<p>Policy LU-3.2: The City shall provide safe and adequate housing opportunities to meet the Different housing needs of all income groups of the City's present and future populations. .</p> <p><i>Comment: The proposed change will provide the opportunity for additional, new housing.</i></p>

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			Policy LU-3.3: The City shall provide adequate space in appropriate locations for residential development in order to provide safe and sanitary housing, to meet the housing and social needs for a desired standard of living for the City's present and future population.
X			<p>Policy LU-4.1: The City shall determine the need for multi-family dwelling units and shall ensure that the location of these units is compatible with adjacent land uses and is properly buffered and adequately served by roads and public utilities.</p> <p><i>The surrounding area is characterized by a mix of multifamily, single-family, and commercial uses. The proposed project will be compatible with all surrounding land uses.</i></p>
X			<p>Policy LU-4.2: The City shall encourage residential areas, especially higher density uses, have access to shopping, recreation, and work places that are convenient not only for automobile traffic but also for foot and bicycle traffic in order to minimize energy consumption, air pollution, and traffic congestion.</p> <p><i>This area is highly walkable, and there are several services and commercial uses within walking and biking distance, as well as the retail uses proposed within the project.</i></p>
X			Policy LU-4.3: The City shall encourage medium and high density residential developments to have direct access to at least collector width streets to accommodate traffic volumes and turning patterns generated by high concentrations of people. They should also be located near major arterials. Low density residential development should not be impacted by heavy traffic generated by medium and high density areas.

Consistent	Neutral	Inconsistent	Sector 3 Plan Sector Goals
X			Context-sensitive street design giving equal value to vehicular movement, community aesthetics, pedestrian and cyclist safety, and streets should not sacrifice safety of neighborhood residents for additional traffic and higher speeds.
X			"Neighborhood friendly" development mitigating negative impacts of higher intensity uses
X			Preserve & enhance visual character through variety of design requirements
X			Preserved & enhanced visual character through variety of design requirements
X			Improved open space and recreational opportunities

The applicant's request is a reduction in the intensity of the Future Land Use. Staff considers the request to change land use classification to Mixed Use to be supportive of the Horizons Master Plan and the Sector 3 plan and recommends approval.

Planning Department Recommendation:		
<input checked="" type="checkbox"/>		Approve as submitted
<input type="checkbox"/>		Approve with conditions or revisions as noted
<input type="checkbox"/>		Public Hearing only
<input type="checkbox"/>		Denial

The Commission's Responsibility:

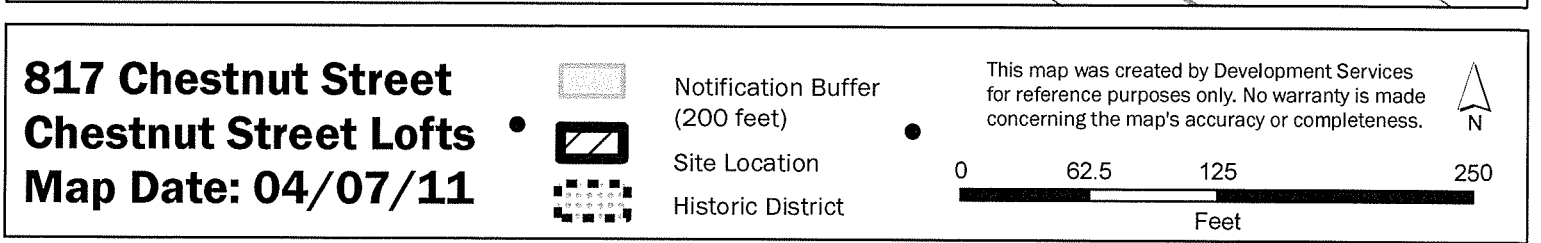
The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.

Prepared by:

Christine Barton-Holmes, LEED AP	Chief Planner	April 20, 2011
Name	Title	Date



Zoning Change Request

ZC-11-07

Chestnut Street Lofts



Summary: The applicant is requesting a zoning change from MF-12 to Mixed Use (MU) at 907 Chestnut Street .

Applicant: Chestnut Street Lofts, LLC
c/o Celmark Development
7630 Red Bay Ct
Dublin, Ohio 43016

Property Owner: 817 Statehouse, Inc.
1307 Brown Street
San Marcos, Texas 78666

Consultant: ETR Dev Con, LLC
401 Dryden Lane
Buda, Texas 78610

Notification: Personal notifications of the public hearing were mailed on to all property owners within 200 feet of the subject property.

Response: None as of date of report publication.

Subject Property:

Location: 907 Chestnut Street

Legal Description: Lot 108, Park Addition, Third Division, 0.36 acres

Sector: 3

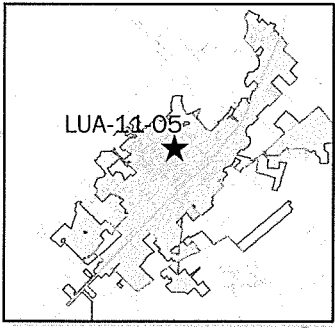
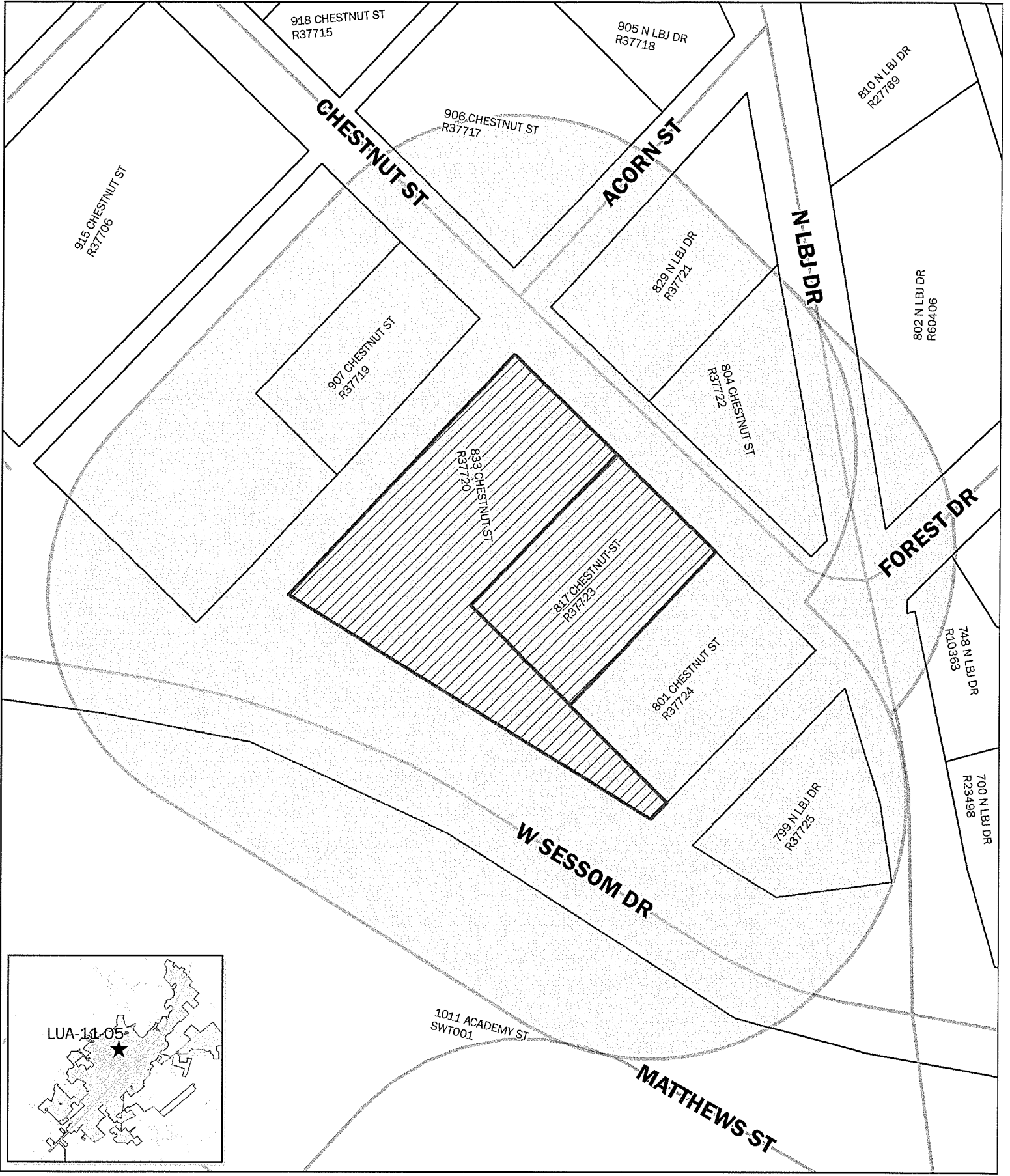
Current Zoning: Multifamily (MF-12)

Proposed Zoning: Mixed Use (MU), Planned Development District (PDD)




**Current Future Land Use
Map Designation:** Low Density Residential (LDR)

**Proposed Future Land
Use Map Designation:** Mixed Use (MU)

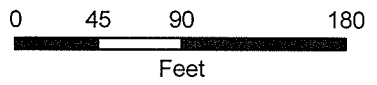
Please see the PDD report for a complete analysis of the request.



LUA-11-05
Chestnut St. Lofts
Map Date: 2/25/11

-  Notification Buffer (200 feet)
-  Site Location
-  Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



Land Use Map Amendment

LUA-11-05

Chestnut Street Lofts



Summary:

The applicant is requesting a Land use Map Amendment from Low Density Residential (LDR) to Mixed Use (MU) on Chestnut Street.

Applicant: Chestnut Street Lofts, LLC
c/o Celmark Development
7630 Red Bay Ct
Dublin, Ohio 43016

Property Owner: 817 Statehouse, Inc.
1307 Brown Street
San Marcos, Texas 78666

Consultant: ETR Dev Con, LLC
401 Dryden Lane
Buda, Texas 78610

Notification: Personal notifications of the public hearing were mailed on to all property owners within 200 feet of the subject property.

Response: None as of date of report publication.

Subject Property:

Location: 833-817 Chestnut Street

Legal Description: Lots 111 & 114 and parts of Lots 110, 115 & 116, Park Addition, 3rd Division, 1.387 acres

Sector: 3

Current Zoning: Neighborhood Commercial (NC)

Proposed Zoning: Mixed Use (MU), Planned Development District (PDD)

Current Future Land Use Map Designation: Commercial (C)

Proposed Future Land Use Map Designation: Mixed Use (MU)

Surrounding Area:

	Current Zoning	Existing Land Use
N of Property	Mixed Use (MU)	Office uses
S of Property	P (Public)	Texas State University
E of Property	Neighborhood Commercial (NC)	Retail/office uses
W of Property	Townhouse (TH)	Residential

Planning Department Analysis:

The subject property is located north of the Texas State University campus on Chestnut Street, approximately 400 feet northwest of the intersection of Chestnut Street, North LBJ, and Forest Drive. This request is proceeding concurrently with a zoning change request from Neighborhood Commercial (NC) to Mixed Use (MU), as well as a request for a Planned Development District (PDD) on this parcel and the adjacent parcel. The applicant is proposing to utilize the subject property to develop a mixed-use building comprising apartments, structured parking, and ground-floor retail.

Mixed Use land uses are typically characterized by ground-floor or street-front retail, and residential uses above and/or behind the commercial uses. They provide a variety of services within walking and biking distance for residents, and can provide a denser environment than found in typical residential developments. The subject property and the adjacent property which is the subject of LUA-11-05 and related zoning cases is located in an area characterized by a mix of residential and commercial uses. While the area immediately surrounding the site is not particularly dense with regard to dwelling units per acre, there are some very high-density residential developments in close proximity, as well as a couple of commercial retail centers and a service station. The area is highly walkable.

The subject property will have vehicular access to Chestnut Street and receive City water and wastewater from mains located along Chestnut Street and Sessom Drive. A Capital Improvement Project focused on North LBJ has planned improvements for this area including road and utility infrastructure improvements.

Staff has evaluated the request for consistency with the Horizons Master Plan and the Sector 3 Plan. Medium Density Residential is recommended for just over 9% of the total area of Sector 3, including areas surrounding the subject site to the north and west.

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			<p>Policy LU-1-1: The City shall ensure that all land use decisions are in accordance with the vision statement, goals, and policies in the Future Land Use Plan and other elements of the Master Plan.</p> <p><i>Comment: The subject property's proposed land use designation of Medium Density Residential is in keeping with surrounding properties.</i></p>
X			<p>Policy LU-1.21: The City shall encourage new development to locate in areas already served by utilities and other community facilities.</p> <p><i>Comments: Existing city utilities are in place to serve this property.</i></p>
X			<p>Policy LU-3.2: The City shall provide safe and adequate housing opportunities to meet the Different housing needs of all income groups of the City's present and future populations. .</p> <p><i>Comment: The proposed change will provide the opportunity for additional, new housing.</i></p>

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			Policy LU-3.3: The City shall provide adequate space in appropriate locations for residential development in order to provide safe and sanitary housing, to meet the housing and social needs for a desired standard of living for the City's present and future population.
X			<p>Policy LU-4.1: The City shall determine the need for multi-family dwelling units and shall ensure that the location of these units is compatible with adjacent land uses and is properly buffered and adequately served by roads and public utilities.</p> <p><i>The surrounding area is characterized by a mix of multifamily, single-family, and commercial uses. The proposed project will be compatible with all surrounding land uses.</i></p>
X			<p>Policy LU-4.2: The City shall encourage residential areas, especially higher density uses, have access to shopping, recreation, and work places that are convenient not only for automobile traffic but also for foot and bicycle traffic in order to minimize energy consumption, air pollution, and traffic congestion.</p> <p><i>This area is highly walkable, and there are several services and commercial uses within walking and biking distance, as well as the retail uses proposed within the project.</i></p>
X			Policy LU-4.3: The City shall encourage medium and high density residential developments to have direct access to at least collector width streets to accommodate traffic volumes and turning patterns generated by high concentrations of people. They should also be located near major arterials. Low density residential development should not be impacted by heavy traffic generated by medium and high density areas.

Consistent	Neutral	Inconsistent	Sector 3 Plan Sector Goals
X			Context-sensitive street design giving equal value to vehicular movement, community aesthetics, pedestrian and cyclist safety, and streets should not sacrifice safety of neighborhood residents for additional traffic and higher speeds.
X			"Neighborhood friendly" development mitigating negative impacts of higher intensity uses
X			Preserve & enhance visual character through variety of design requirements
X			Preserved & enhanced visual character through variety of design requirements
X			Improved open space and recreational opportunities

The applicant's request is a reduction in the intensity of the Future Land Use. Staff considers the request to change land use classification to Mixed Use to be supportive of the Horizons Master Plan and the Sector 3 plan and recommends approval.

Planning Department Recommendation:		
<input checked="" type="checkbox"/>		Approve as submitted
<input type="checkbox"/>		Approve with conditions or revisions as noted
<input type="checkbox"/>		Public Hearing only
<input type="checkbox"/>		Denial

The Commission's Responsibility:

The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.

Prepared by:

Christine Barton-Holmes, LEED AP

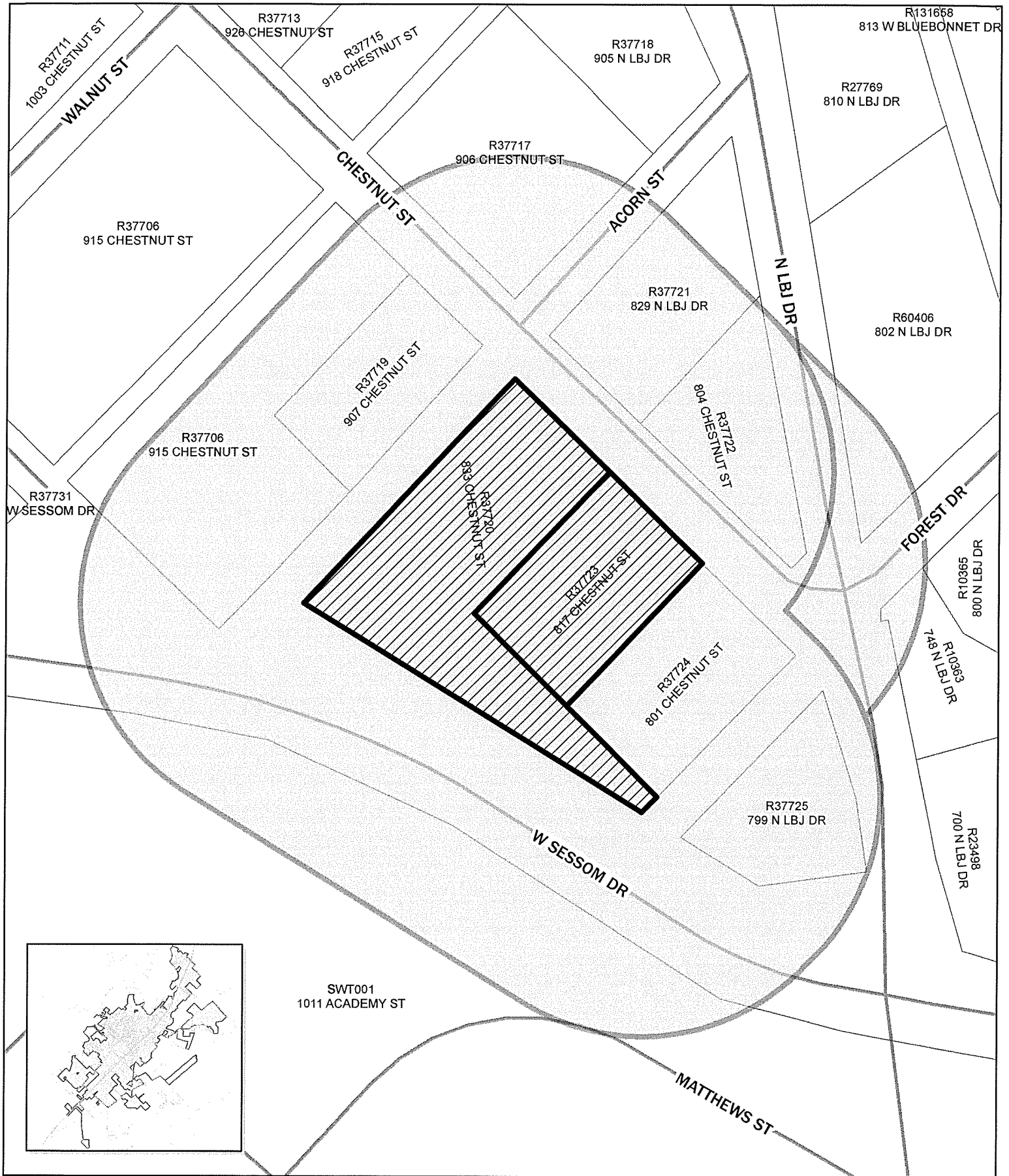
Chief Planner

April 20, 2011

Name

Title

Date



817 Chestnut Street Chestnut Street Lofts Map Date: 04/07/11

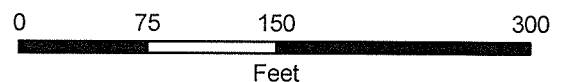


Notification Buffer
(200 feet)

Site Location

Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



Zoning Change Request

ZC-11-08

Chestnut Street Lofts



Summary: The applicant is requesting a zoning change from Commercial (C) to Mixed Use (MU) at 817 Chestnut Street

Applicant: Chestnut Street Lofts, LLC
c/o Celmark Development
7630 Red Bay Ct
Dublin, Ohio 43016

Property Owner: 817 Statehouse, Inc.
1307 Brown Street
San Marcos, Texas 78666

Consultant: ETR Dev Con, LLC
401 Dryden Lane
Buda, Texas 78610

Notification: Personal notifications of the public hearing were mailed on to all property owners within 200 feet of the subject property.

Response: None as of date of report publication.

Subject Property:

Location: 817 Chestnut Street

Legal Description: Lots 111 & 114 and parts of Lots 110, 115 & 116, Park Addition, 3rd Division, 1.387 acres

Sector: 3

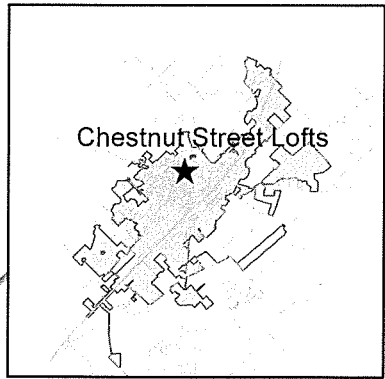
Current Zoning: Neighborhood Commercial (NC)

Proposed Zoning: Mixed Use (MU), Planned Development District (PDD)

Current Future Land Use Map Designation: Commercial (C)

Proposed Future Land Use Map Designation: Mixed Use (MU)

Please see the PDD report for a complete analysis of the request.



Notification Buffer
(200 feet)

Site Location

Historic District



PDD-11-01/ ZC-11-07/ ZC-11-08

Chestnut Street Lofts



Summary:

Applicant: Chestnut Street Lofts, LLC
c/o Celmark Development
7630 Red Bay CT
Dublin, OH 43016

Consultant: ETR Dev. Con., LLC
401 Dryden Lane
Buda, Texas 78610

Property Owner: 817 Statehouse
1307 Brown Street
San Marcos TX 78666

Subject Property:

Legal Description: 1.90 acres of the Park Addition Subdivision- Third Division (Lots 108, 111, and 114 and part of Lot 110)

Location: 817 Chestnut Street

Existing Use of Property: Undeveloped (this was the location of Rivendell's Restaurant all the buildings on the site have been demolished)

Existing Zoning: MF-12 and Neighborhood Commercial (NC)

Proposed Use of Property: Mixed Use Development

Proposed Zoning: PDD overlay with a Mixed Use base zoning

Sector: 3

Frontage On: Chestnut Street and Acorn Street (the applicant is requesting abandonment of Acorn Street)

Utilities: City of San Marcos

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	Neighborhood Commercial and Mixed Use	Single-family home/ Neighborhood Commercial Center
S of Property	Neighborhood Commercial /Public	Sessoms Creek/ Sessoms Drive/ Texas State University
E of Property	Neighborhood Commercial	Church of the Latter Day Saints
W of Property	Public	Sessoms Green space

Project overview

Chestnut Street Lofts is proposed to be developed as a 77 unit (230 bedrooms) mixed use development that incorporates underground and surface parking, ground floor retail, and multiple stories of loft apartments above. The project site is located approximately 1 block from Texas State University, near a neighborhood commercial intersection with a number of retail services and restaurants are located. The site currently does not have any structures however it was once the location of Rivendell's Restaurant. Within the last couple of years the restaurant was demolished to allow for an improved opportunity for redevelopment of the site. As part of the development of the property the applicant is requesting the abandonment of Acorn Street. Acorn Street is a platted street that has never been constructed, but does offer a point of access to the Sessoms Creek Green space. As part of the parkland dedication requirements and part of the requirements of the PDD the applicant has agreed to establish a public access easement that runs the full width and length of Acorn Street, provide 5 parking spaces dedicated

for the use of green space patrons, and a requirement to provide signage on Chestnut Street identifying the green space entrance.

Density

- The applicant is requesting a density of 41 units an acre (122 bedrooms an acre) rather than the 5.5 units per acre allowed as part of the Mixed Use zoning district.

Site Improvements

- The applicant is requesting a maximum impervious cover of 80% rather than the 60% impervious cover allowed as part of the Mixed Use zoning district

Environmental and Water Quality

- The development will utilize Low Impact Development (LID) water quality practices on the site and provide 85% total suspended solids (TSS) removal. This is a standard that is not currently required by the Land Development Code.

Parking

- The applicant is requesting a reduction in parking from 1 parking space per bedroom to 0.91 for multi-family.
- The development will provide bike parking equivalent to 0.50 rack spaces per bedroom.

Tree Preservation

- The development will mitigate trees at a rate of 1 caliper inch replaced for every 1 caliper inch removed.

Parks Advisory Board Recommendation

The applicant has requested to pay a fee in lieu of parkland dedication in order to meet the parkland requirements for this property. The Land Development Code requires the calculation of fee-in-lieu of dedication be based off of the maximum number of units on the site. This requirement would result in a fee-in-lieu of dedication in the amount of \$ 20,212.50(based on 77 units). Staff has requested and the applicant has agreed to base the fee in lieu of dedication on the maximum number of bedrooms rather than units. Based on 230 bedrooms the fee-in-lieu of dedication equates to \$28,750.00.

On March 22, 2011 the Parks Advisory Board recommended the approval of the fee-in-lieu of dedication in the amount of \$28,750.00.

ZC-11-07

The subject property is approximately 0.36 acres and is proposed to be part of the requested Planned Development District. Currently the property is zoned MF-12, however the applicant is requesting a base zoning designation of Mixed Use. The Mixed Use zoning designation when assigned to tracts of land generally greater than one acre, is intended to provide for a mixture of retail, office, and residential uses in close proximity to enable people to live, work, and purchase necessities in a single location. Additionally, pedestrian walkways and open area are desired in order to promote a pedestrian-friendly environment.

ZC-11-08

The subject property is approximately 1.387 acres and is proposed to be part of the requested Planned Development District. Currently the property is zoned Neighborhood Commercial (NC), however the applicant is requesting a base zoning designation of Mixed Use. The proposed development is consistent with the intent of the Mixed Use zoning district and the standards proposed to be established within the PDD will be appropriate in the immediate area of the land to be reclassified.

Planning Department Analysis:

The subject property is located approximately 100 feet from the intersection of Chestnut Street and N. LBJ Drive. This intersection is a neighborhood commercial center that has a number of retail services and restaurants. Both N.LBJ Drive and Chestnut Street function as gateways into established single family residential neighborhoods where denser residential developments and commercial uses are located closer to N. LBJ Drive and Texas State University therefore creating a transition in density. The proposed development offers the opportunity to create a dense multi-family development within walking distance to campus while providing commercial services that will service the neighborhood at large.

Currently there appears to be a “choke point” in the wastewater line that services the subject property. This could potentially cause a temporary delay in sewer availability. However the proposed Sink Creek Interceptor, scheduled for a completion date of Fall 2012, will help alleviate the waste water challenges in this area of the City. The applicant is aware of the wastewater capacity challenges and understands that a Certificate of Occupancy will not be issued until the Sink Creek interceptor is complete and wastewater capacity is available to serve the site.

As is evident in the number of rezoning requests that the Planning and Zoning Commission has seen in Sector 3 more and more developers are seeking to develop or redevelop sites within walking distance to campus. This sector of the City is currently experiencing a transition from what was once a mixture of residential uses to multi-family development. While staff believes that this request sets a good example for redevelopment within this area it is important for the Planning and Zoning Commission to discuss the long range benefits and challenges associated with increased density in this area. Including the constraints imposed by existing infrastructure, streets, wastewater, water , and storm sewer and the costs to repair, replace and upsize infrastructure.

Conformance with Sector and Master Plan Goals

The request for a PDD supports the following Sector 3 Goals:

- “Walkable” pedestrian-friendly neighborhoods
- Traffic calming to reduce “cut-through” traffic
- Context-sensitive street design giving equal value to vehicular movement, community aesthetics, pedestrian and cyclist safety.
- “Neighborhood friendly” development mitigating negative impacts on higher intensity uses.

The request supports the following Master Plan Goals:

- **Policy LU 4.2-** The City shall encourage residential areas, especially higher density uses, have access to shopping, recreation, and work places that are convenient not only for automobile traffic but also for foot and bicycle traffic in order to minimize energy consumption, air pollution, and traffic congestion.
- **Policy LU-4.3:** The City shall encourage medium and high density residential developments to have direct access to at least collector width streets to accommodate the traffic volumes and turning patterns generated by high concentrations of people. They should also be located near major arterials. Low density residential development should not be impacted by heavy traffic generated by medium and high density areas.
- **Policy LU- 6.8:** The City shall recognize that commercial and residential uses are not generally compatible and will discourage residential usage of land in commercial districts except where residential uses are planned as part of a mixed use concept.
- **Policy LU-1.21:** The City shall encourage new development to locate in areas already served by utilities and other community facilities.

UPDATE

At the April 12th Planning and Zoning Commission meeting the Commission expressed concern regarding the following:

- The variance to the parking requirements
- Runoff protection
- Pedestrian access along Chestnut Street

Staff has reviewed each item with the applicant and has addressed each item in more detail below.

Parking

Since the last meeting the applicant has reviewed and modified the underground parking layout to accommodate for 12 additional compact parking spaces, bringing the residential parking ratio to 0.94 spaces per bedroom (Land Development Code requirement is 1 space per bedroom).

There are many factors utilized when establishing parking standards in a development code. The parking requirements in the LDC are use-oriented based on peak demand. They are suburban in nature and do not address mixed-use development and student housing developments that rent by the bedroom. Also, they do not account for different settings, for example an apartment complex on IH 35 has the same requirement as this location adjacent to campus. Staff has reviewed the parking plan for this development and feels that the following aspects should be considered when reviewing the parking standards for the PDD request:

- Safe pedestrian access from the site to multiple destinations, including campus and services
- Bicycle facilities provided on-site
- Shared parking opportunities
- Short-term on-street parking for retail

Adequate bicycle facilities alone have been demonstrated to reduce parking demand by 5-15% in certain situations.

Runoff Protection

As part of the PDD the applicant included a water quality and erosion control plan that outlines permanent water quality control measures, temporary erosion control and low impact design landscape strategies. These LID practices include a performance standard for removal of total suspended solids (TSS) that will help address concerns regarding water quality.

Pedestrian Safety

The site plan does reflect a 10' wide sidewalk along Chestnut Street. The sidewalk is 5' wider than required by the Land Development Code and will allow for a safe pedestrian walkway as well as room for street furniture and outdoor retail and/ or bistro style seating.

Planning Department Recommendation	
<input checked="" type="checkbox"/>	Approve as submitted
<input type="checkbox"/>	Approve with conditions or revisions as noted
<input type="checkbox"/>	Public Hearing only
<input type="checkbox"/>	Denial

Prepared by:

Sofia Nelson

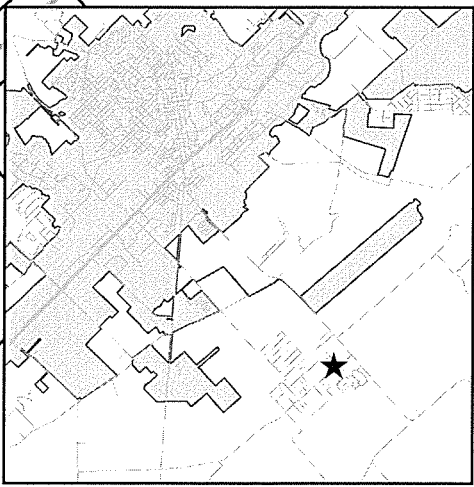
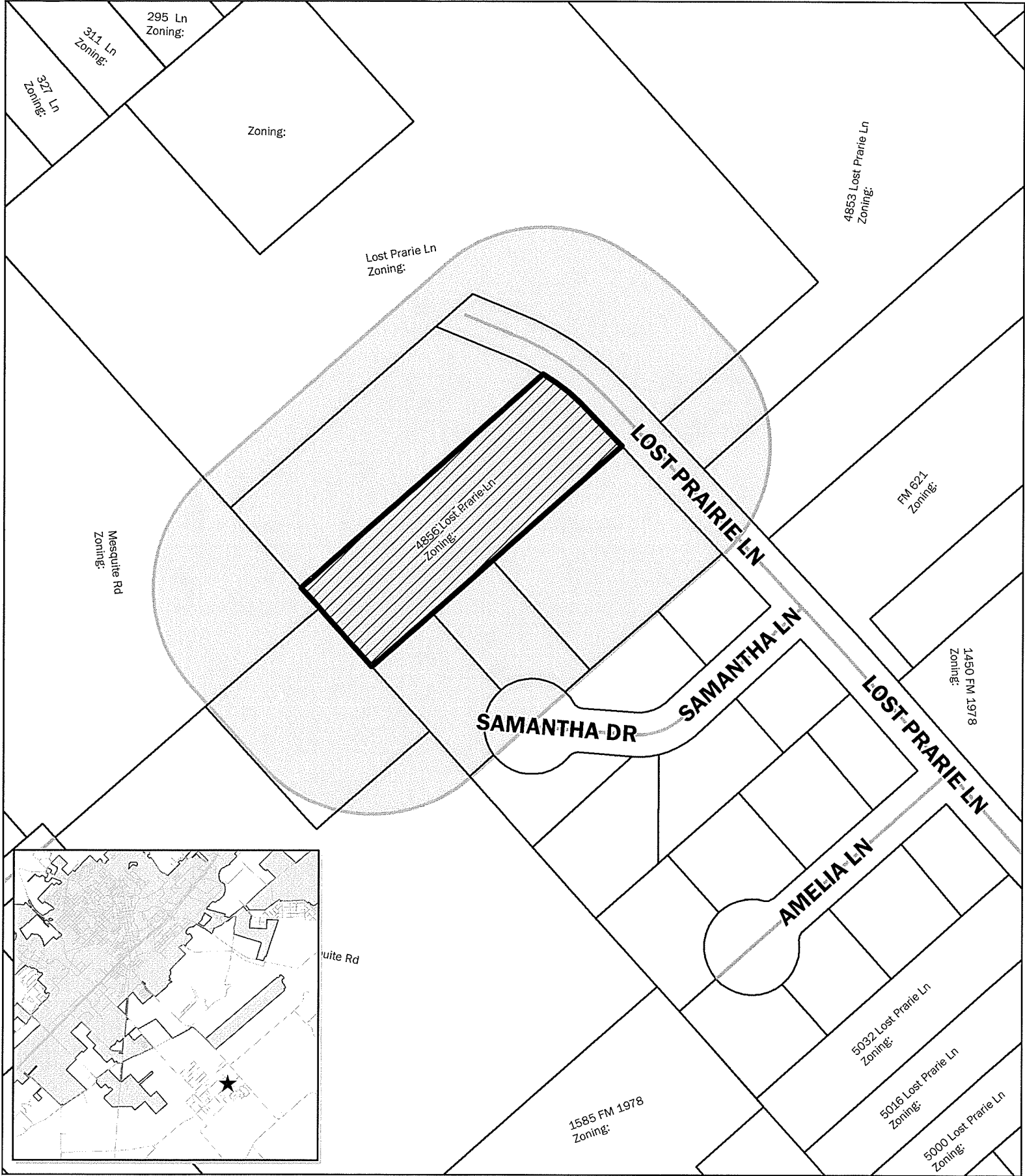
Senior Planner

April 19, 2011




Name

Title

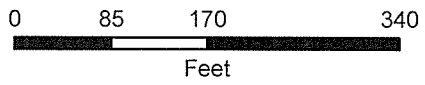
Date



PVC-10-05
4848 Lost Prairie Lane
Map Date: 2/9/11

-  Notification Buffer (200 feet)
-  Site Location
-  Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



PVC-10-05 Plat Variance 4848 Lost Prairie Lane



Applicant Information:

Applicant: Patrick Doll
Univ. of Texas Community Development Clinic
727 E. Dean Keeton St
Austin TX 78705

Property Owner: Martin Aguillar
4848 Lost Prairie Lane (A private road not maintained by the County)
San Marcos TX 78666

Applicant's Request: The applicant is requesting a variance from Section 6.7.2.1 (b) of the Land Development Code, which requires that each lot front onto a dedicated, improved public street in accordance with this code. In all cases, single family residential lots shall have a minimum of 35 feet of frontage, and nonresidential lots shall have a minimum of 50 feet of frontage, along a dedicated, improved street.

Notification: Personal notification letter mailed to all property owners within 200' on April 13, 2011.

Response: None as of April 19, 2011.

Subject Property:

Location: 4848 Lost Prairie Ln
West of the intersection between Staples Rd and FM 1978, in the City's ETJ, in Guadalupe County

Legal Description: 1.0012 acres out of and part of the S. A and M. G. Railroad Company Survey No 534, Abstract No. 308, in Guadalupe County Texas

Existing Zoning: N/A

Land Use Map: N/A

Utilities: The property is serviced by Crystal Clear Water Corporation for water and OSSF (On-Site Sewage Facility) for wastewater

Existing

Use of Property: Residential

Proposed

Use of Property: Residential

Code Requirement and Background Information

The subject property consists of an approximately 1 acre tract of land with one home. The land was illegally divided and then sold prior to the construction of a home and the issuance of a permit for an On-Site Sewage Facility (OSSF). Mr. Martin Aguillar acquired the property on August 12th 2009. He had been living on the property and making payments towards owning the property since 2006. The property was investigated by the Guadalupe County Environmental Health Department on February 17, 2010 for the illegal division of land as well as the possible installation of an unpermitted septic tank. The County of Guadalupe requires that all property is legally platted before the issuance of permits for the construction of an OSSF. The City of San Marcos ETJ was extended into this area on July 17th 2007.

The applicant is applying for a variance to Section 6.7.2.1(b) of the Land Development Code, which requires that each lot front onto a dedicated, improved public street in accordance with this code. In all cases, single family residential lots shall have a minimum of 35 feet of frontage, and nonresidential lots shall have a minimum of 50 feet of frontage, along a dedicated, improved street. The subject property has over 90' of frontage on Lost Prairie Lane which is a private 50' road easement maintained by the property owners. The minimum ROW width for a residential street is 52' according to the Land Development Code.

In discussions with Guadalupe County Staff they have indicated that this road was surveyed but that they are not accepting the road as public ROW at this time. This decision is partially due to the multiple owners of the easement that do not agree on whether the road should be dedicated to the public.

Case History

The application was first submitted on November 5, 2010 and came before this commission on December 16th, 2010. The commission made a motion at this meeting to postpone the request to the February 22, 2011 meeting. The applicants have submitted two separate requests since that time for postponement in order to work with the county to find a solution. This lot is considered an illegal non-conforming lot due to the fact that it was illegally divided in 2006 without following county subdivision or septic requirements. The County has stated that the only relief from this situation is for the lots to be platted. They will not issue any citations at this time as long as the applicants continue working towards a solution.

One solution that City staff has addressed is an amendment to the 1445 agreement with the County. A 1445 agreement sets the standards and process for subdivision review within the City's ETJ. Staff is currently reviewing an amendment to the 1445 agreement that would defer subdivision regulations for lots that are in the same configuration as they were at the time that they were incorporated into the City Limits. In addition to an amendment to the 1445 agreements with the affected counties, an amendment to the LDC stipulating the review process for all lots in the same configuration prior to incorporation into the City's ETJ is being reviewed by City staff.

Planning Department Analysis:

As stated in the Horizon's Master Plan the purpose of enforcing subdivision regulations in the ETJ is as a means of ensuring that the City of San Marcos will not have to assume maintenance responsibilities for substandard infrastructure upon annexation. In addition, the subdivision of land determines the growth patterns of the City and is very important to ensuring orderly growth and development including the distribution of City Services, transportation and environmental protection. A subdivision variance therefore must meet the criteria listed below for approval.

Staff has evaluated the request with regard to the criteria for subdivision variances.

Section 1.10.2.4 Criteria for Approval	Staff Comment
1. There are special circumstances or conditions arising from the physical surroundings, <u>shape</u> , topography or other feature affecting the land subject to the variance petition, such that the strict application of the provisions of this Land Development Code to the development application would create an unnecessary hardship or inequity upon or for the petitioner, as distinguished from a mere inconvenience, in developing the land or deprive the petitioner of the reasonable and beneficial use of the land;	Consistent; <i>Special Circumstances include the expansion of the ETJ incorporating this property after the division of land occurred in addition the road easement is owned by multiple property owners that do not agree on its dedication as a Public Right of Way the petitioner is not able to dedicate the ROW in front of the subject property because it is not contiguous.</i>
2. The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land;	Not Consistent; <i>The circumstances causing the hardship affect all properties that are currently undeveloped and fronting on Lost Prairie Lane, and any future divisions of land along a Private Road in the ETJ.</i>
3. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;	Consistent; <i>The property owner will not be able to use the property for its designated use as a residence</i>
4. Granting the variance petition will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;	Consistent; <i>The Guadalupe County Environmental Health Department requires a platted legal lot in order to issue a septic permit.</i>
5. Granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Code, or adversely affect the rights of owners or residents of surrounding property;	Not Consistent; <i>Granting a variance to allow a lot without frontage on a Public ROW will have the effect of preventing the orderly use and enjoyment of the surrounding property. Platting lots on this ROW will greatly limit the ability for dedication of this ROW in the future.</i>
6. Granting the variance petition is consistent with any special criteria applicable to varying particular standards, as set forth in Chapters 4 through 7 of this Land Development Code;	Consistent; <i>There are no special criteria applicable to this variance request</i>
7. The hardship or inequity suffered by petitioner is not caused wholly or in substantial part by the petitioner;	Not Consistent; <i>The applicant could have platted the property and sought a septic permit at the time of development. The ETJ was not extended until after the property was developed without the appropriate permits.</i>

8. The request for a variance is not based exclusively on the petitioner's desire for increased financial gain from the property, or to reduce an existing financial hardship; and **Consistent;** *As with any development, there is a financial incentive to this request. However, the request is necessary to use the property for its intended use.*

9. The degree of variance requested is the minimum amount necessary to meet the needs of petitioner and to satisfy the standards in this section. **Consistent;** *The minimum degree of variance is requested.*

Planning Department Recommendation

Staff finds that the request is not consistent with all criteria in the code and recommends **denial** of the request based on the following criteria not being met:

- This is not a unique circumstance; in fact this same situation exists for a number of unplatted lots in existence within the ETJ
- Granting this variance makes the dedication of the road easement more difficult to achieve in the future because this property won't need to share in the cost of dedicating and constructing the ROW prior to development
- This is an illegal non-conforming lot due to the fact that the applicant did not follow the rules that were in place at the time of development.

Planning Department Recommendation	
	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
x	Denial

When a variance request is not recommended based on the fact that the main circumstance similarly affects a large number of properties in the vicinity then a code change may be appropriate. A possible solution that we are seeking feedback from the commission on is:

- 1) An amendment to the Land Development Code allowing unplatted lots that are in the same configuration prior to their inclusion within the City's ETJ to use the County's less restrictive Subdivision Regulations.

The Commission's Responsibility:

The Commission is charged with making the final decision regarding this variance request. The city charter delegates all platting variances to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City Council. Your options are to approve or deny this variance request.

Prepared by:

Abigail Gillfillan

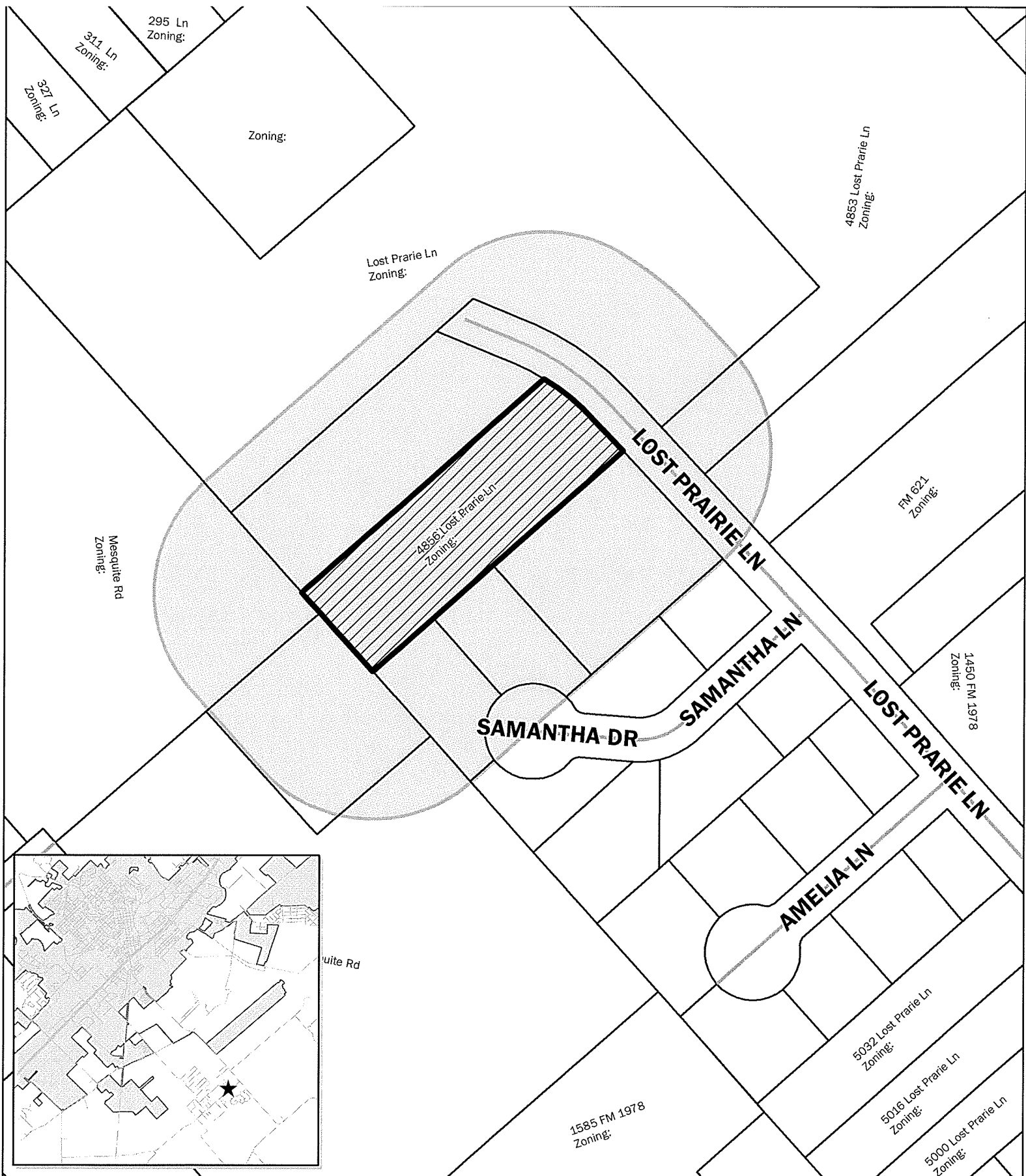
Planner

April 20, 2011

Name

Title

Date



PVC-10-06
4848 Lost Prairie Lane
Map Date: 2/9/11

Notification Buffer
(200 feet)

Site Location

Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.

085170340

Feet

N

PVC-10-06 Plat Variance 4848 Lost Prairie Lane



Applicant Information:

Applicant: Patrick Doll
Univ. of Texas Community Development Clinic
727 E. Dean Keeton St
Austin TX 78705

Property Owner: Martin Aguillar
4848 Lost Prairie Lane (A private road not maintained by the County)
San Marcos TX 78666

Applicant's Request: The applicant is requesting a variance from Section 6.7.2.1 (j) of the Land Development Code, which requires that lot depth shall not exceed three times the lot width for lots platted after March 10, 1975

Notification: Personal notification letter mailed to all property owners within 200' on February 10, 2011

Response: None as of February 14, 2011

Subject Property:

Location: 4848 Lost Prairie Ln.
West of the intersection of the intersection between Staples Rd and FM 1978, in the City's ETJ, in Guadalupe County

Legal Description: 1.0012 acres out of and part of the S. A and M. G. Railroad Company Survey No 534, Abstract No. 308, in Guadalupe County Texas

Existing Zoning: N/A

Land Use Map: N/A

Utilities: The property is serviced by Crystal Clear Water Corporation for water and OSSF (On-Site Sewage Facility) for wastewater

Existing Use of Property: Residential

Proposed**Use of Property:** Residential**Code Requirement and Background Information**

The subject property consists of an approximately 1 acre tract of land with one home. The land was illegally divided and then sold prior to the construction of a home and the issuance of a permit for an On-Site Sewage Facility (OSSF). Mr. Martin Aguillar acquired the property on August 12th 2009. He had been living on the property and making payments towards owning the property since 2006. The property was investigated by the Guadalupe County Environmental Health Department on February 17, 2010 for the illegal division of land as well as the possible installation of an unpermitted septic tank. The County of Guadalupe requires that all property is legally platted before the issuance of permits for the construction of an OSSF. The City of San Marcos ETJ was extended into this area on July 17th 2007.

The applicant is applying for a variance to Section 6.7.2.1(j) of the Land Development Code, which requires that the lot depth shall not exceed three times the lot width for lots platted after March 10, 1975. The subject property has a length of approximately 444 feet and a width of approximately 94 feet. This lot exceeds the frontage requirement of 35 feet for residential lots. The proposed ratio of lot depth to lot width is 4.7 to 1 for the proposed lot.

Case History

The application was first submitted on November 5, 2010 and came before this commission on December 16th, 2010. The commission made a motion at this meeting to postpone the request to the February 22, 2011 meeting. The applicants have submitted two separate requests since that time for postponement in order to work with the county to find a solution. This lot is considered an illegal non-conforming lot due to the fact that it was illegally divided in 2006 without following county subdivision or septic requirements. The County has stated that the only relief from this situation is for the lots to be platted. They will not issue any citations at this time as long as the applicants continue working towards a solution.

One solution that City staff has addressed is an amendment to the 1445 agreement with the County. A 1445 agreement sets the standards and process for subdivision review within the City's ETJ. Staff is currently reviewing an amendment to the 1445 agreement that would defer subdivision regulations for lots that are in the same configuration as they were at the time that they were incorporated into the City Limits. In addition to an amendment to the 1445 agreements with the affected counties, an amendment to the LDC stipulating the review process for all lots in the same configuration prior to incorporation into the City's ETJ is being reviewed by City staff.

Planning Department Analysis:

As stated in the Horizon's Master Plan the purpose of enforcing subdivision regulations in the ETJ is as a means of ensuring that the City of San Marcos will not have to assume maintenance responsibilities for substandard infrastructure upon annexation. In addition, the subdivision of land determines the growth patterns of the City and is very important to ensuring orderly growth and development including the distribution of City Services, transportation and environmental protection. A subdivision variance therefore must meet the criteria listed below for approval.

Staff has evaluated the request with regard to the criteria for subdivision variances.

Section 1.10.2.4 Criteria for Approval

Staff Comment

1. There are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land subject to the variance petition, such that the strict application of the provisions of this Land Development Code to the development application would create an unnecessary hardship or inequity upon or for the petitioner, as distinguished from a mere inconvenience, in developing the land or deprive the petitioner of the reasonable and beneficial use of the land;

Consistent; *This property was illegally divided prior to the property being incorporated within the City's ETJ*

2. The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land;

Not Consistent; *Many of the neighboring parcels are similar to the subject property in shape, i.e. narrow and deep.*

3. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;

Consistent; *The property owner will not be able to use the property for its designated use as a residence*

4. Granting the variance petition will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;

Consistent; *The Guadalupe County Environmental Health Department requires a platted legal lot in order to issue a septic permit.*

5. Granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Code, or adversely affect the rights of owners or residents of surrounding property;

Consistent; *The variance request does not inhibit the use of other properties in the area.*

6. Granting the variance petition is consistent with any special criteria applicable to varying particular standards, as set forth in Chapters 4 through 7 of this Land Development Code;

Consistent; *Granting this variance will not eliminate or reduce compliance with any other aspects of the Land Development Code. The frontage required exceeds the 35 foot minimum that the code requires for a residential lot.*

7. The hardship or inequity suffered by petitioner is not caused wholly or in substantial part by the petitioner;

Not Consistent; *The applicant could have platted the property and sought a septic permit at the time of development.*

8. The request for a variance is not based exclusively on the petitioner's desire for increased financial gain from the property, or to reduce an existing financial hardship; and

Consistent; *As with any development, there is a financial incentive to this request. However, the request is necessary for residential development.*

9. The degree of variance requested is the minimum amount necessary to meet the needs of petitioner and to satisfy the standards in this section.

Consistent; *The minimum degree of variance is requested.*

Planning Department Recommendation

Staff recommends **denial** of the request based on the following criteria not being met:

- *There are **no** special circumstances arising from the physical surroundings*
- *The circumstances causing the hardship similarly affect all properties*

Planning Department Recommendation	
	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
x	Denial

When a variance request is not recommended based on the fact that the main circumstance similarly affects a large number of properties in the vicinity then a code change may be appropriate. A possible solution that we are seeking feedback from the commission on is:

- 1) An amendment to the Land Development Code allowing unplatted lots that are in the same configuration prior to their inclusion within the City's ETJ to use the County's less restrictive Subdivision Regulations.

The Commission's Responsibility:

The Commission is charged with making the final decision regarding this variance request. The city charter delegates all platting variances to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City Council. Your options are to approve or deny this variance request.

Prepared by:

Abigail Gillfillan

Planner

April 20, 2011

Name

Title

Date

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
April 12, 2011**

1. Present

Commissioners:

Bill Taylor, Chair
Bucky Couch, Vice-Chair (in 6:08)
Sherwood Bishop
Travis Kelsey (in 6:02)
Jim Stark
Chris Wood
Kenneth Ehlers
Curtis Seebeck

City Staff:

Francis Serna, Recording Secretary
Sofia Nelson, Senior Planner
Christine Barton-Holmes, Chief Planner
John Foreman, Planner
Abby Gillfillan, Planner

2. Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Taylor at 6:00 p.m. on Tuesday April 12, 2011 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Chair Taylor welcomed the audience.

4. **NOTE:** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*

5. Citizen Comment Period

There were no citizen comments.

6. CUP-11-02. (Frank's Auto Shop) Hold a public hearing and consider a request by Carlos Hernandez, on behalf of Frank Sanchez, to use 7,500 square feet of an existing 13,500 square foot auto repair garage as an auto paint and body garage.

Chair Taylor opened the public hearing. There were no citizen comments. The public hearing remained open.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Seebeck, the Commission voted all in favor to postpone CUP-11-02 to the April 26, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

7. LUA-11-07 (1104, 1106, 1108 and 1110 Jones). Hold a public hearing and consider possible action on a request by Matt Chambers and on behalf of Rob Walch for a Future Land Use Map Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) for a tract of land described as Victory Gardens Second Edition Block 34, Lots 9, 10, 11, and 12 located in the 1100 block of Jones Street.

8. ZC-11-10. (1108 Jones St) Hold a public hearing and consider possible action on a request by Matt Chambers, agent for Bob Walch, for a Zoning Change from Single Family Residential (SF-6) to Town House (TH), for a .06 acre tract described as Victory Gardens Block 34, Lot 10, and located at 1108 Jones Street.

9. ZC-11-11. (1104 Jones St) Hold a public hearing and consider possible action on a request by Matt Chambers, agent for Bob Walch, for a Zoning Change from Single Family Residential (SF-6) to Town House (TH), for a .06 acre tract described as Victory Gardens Block 34, Lot 12, and located at 1104 Jones Street.

10. ZC-11-12. (1106 Jones St) Hold a public hearing and consider possible action on a request by Matt Chambers, agent for Bob Walch, for a Zoning Change from Single Family Residential (SF-6) to Town House (TH), for a .06 acre tract described as Victory Gardens Block 34, Lot 11, and located at 1106 Jones Street.

11. ZC-11-13. (1110 Jones St) Hold a public hearing and consider possible action on a request by Matt Chambers, agent for Bob Walch, for a Zoning Change from Single Family Residential (SF-6) to Town House (TH), for a .06 acre tract described as Victory Gardens Block 34, Lot 9, and located at 1110 Jones Street.

Abigail Gillfillan, Planner advised the Commission that the applicant has withdrawn LUA-11-07; ZC-11-10; ZC-11-11; ZC-11-12; and ZC-11-13.

12. A-11-01 (Chestnut Street Lofts) Hold a public hearing and consider a request by Chestnut Street Lofts, LLC, on behalf of 817 Statehouse, Inc, to abandon undeveloped ROW described as Live Oak Street on the plat and commonly known as Acorn Street from the intersection of Acorn Street and Chestnut Street to the intersection of Acorn Street and W. Sessoms Drive.

13. LUA-11-04 (Chestnut Street Lofts) Hold a public hearing and discuss a request by Chestnut Street Lofts LLC, on behalf of 817 Statehouse, Inc, for a land use map amendment from Low Density Residential to Mixed Use for 0.36 acres described as Lot 108 of the Park Addition, Third Division and located at 907 Chestnut Street.

14. ZC-11-07 (Chestnut Street Lofts) Hold a public hearing and discuss a request by Chestnut Street Lofts LLC, on behalf of 817 Statehouse, Inc, for a zoning change request from MF-12 to Mixed Use for 0.36 acres described as Lot 108 of the Park Addition, Third Division and located at 907 Chestnut Street.

15. LUA-11-05 (Chestnut Street Lofts)) Hold a public hearing and discuss a request by Chestnut Street Lofts LLC, on behalf of 817 Statehouse, Inc, for a land use map amendment from Commercial to Mixed Use for 1.387 acre area described as Lots 111, 114, 110, 115, and 116 of the Park Addition, Third Division and located at 817 Chestnut Street.

16. ZC- 11-08 (Chestnut Street Lofts). Hold a public hearing and discuss a request by Chestnut Street Lofts LLC, on behalf of 817 Statehouse, Inc, for a zoning change request from Neighborhood Commercial (NC) to Mixed Use (MU) for 1.387 acre area described as Lots 111, 114, 110, 115, and 116 of the Park Addition, Third Division and located at 817 Chestnut Street.

17. PDD-11-01 (Chestnut Street Lofts) Hold a public hearing and discuss a request by Chestnut Street Lofts LLC, on behalf of 817 Statehouse, Inc, for a PDD Overlay with a Mixed Use (MU) base zoning district for 1.90 acre area described as Lots 108,111,114,110, 115, and 116 of the Park Addition, Third Division and the adjacent undeveloped ROW of Live Oak Street (also known as Acorn Street) and located at 817 Chestnut Street.

Chair Taylor opened the public hearing for A-11-01; LUA-11-04; ZC-11-07; LUA-11-05; ZC-11-08; and PDD-11-01.

Thomas Rhodes, ETR Development Consulting, 401 Dryden Lane, Kyle, Texas thanked staff for their thorough evaluation of the project. He clarified that the project will be five stories from the street level, which include four floors of residential and the first floor of retail. Mr. Rhodes added that the numbers for impervious cover can also be brought down if necessary. He advised that they are available to answer questions. Mr. Rhodes introduced the project team.

Diane Wassenich, 11 Tangelwood pointed out that the site drains to Sessom Creek which goes into the head waters of the river. She added that the area has a higher level of endangered species and it is very critical that the area does not get filled with dirt. Ms. Wassenich informed the Commission that the Erosion Control Process is complaint based. She stated that the project has potential to destroy the head of the river. Ms. Wassenich stated if we cannot enforce the Erosion Control Ordinance then there is no hope to have a usable river in the future. She felt that Erosion Control should be their number one focus. Ms. Wassenich added that she has questions and concerns regarding parkland.

There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Ehlers, the Commission voted all in favor to postpone action on A-11-01 to the April 26, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

The Planning and Zoning Commission will take action on A-11-01; LUA-11-04; ZC-11-07; LUA-11-05; ZC-11-08 and PDD-11-01 at the April 26, 2011.

18. SmartCode Future Land Use Amendment. Hold a public hearing and consider action on a future land use map amendment for an area generally bounded by Concho Street, Moore Street, North Street, Comanche Street, Shady Lane, Fredericksburg Street, Hull Street, Guadalupe Street, I-35, McKie Street, LBJ Drive, and CM Allen Street from Mixed Use, Open Space, Industrial, Public and Institutional, Heavy Commercial, Neighborhood Commercial, Commercial, High Density Residential, Medium Density Residential, and Low Density Residential to G4(Growth Division 4), G3(Growth Division 3), O1(Open Space 1), or Open Space 2.

Chair Taylor opened the public hearing.

Diane Wassenich, 11 Tangelwood said she can't imagine passing the SmartCode first and then architectural standards at a later date.

HC Kyle, 711 W. San Antonio Street expressed his concerns regarding parking issues in downtown. He pointed out that building apartments in downtown will create a huge need for additional parking.

John David Carson, Carson Properties, 1911 Corporate Drive said he had a few points to mention. He stated that the Central Business Area (CBA) has no parking requirements and that the SmartCode will require parking. Mr. Carson stated that the Parking Management Plan will manage parking issues in the CBA. He pointed out that the parking is not a San Marcos issue it is a current issue with the CBA. He added that the burden cannot be placed solely on new development to subsidize the existing challenges currently in place.

There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Kelsey, the Commission voted all in favor to approve the SmartCode Future Land Use Amendment. The motion carried unanimously.

20. SmartCode. Hold a public hearing and consider a recommendation to the City Council on the inclusion of architectural standards and/ or architectural guidelines in the San Marcos SmartCode.

Diana Baker and Thea Dake, Historic Preservation Commissioners presented a recommendation to establish architectural standards for a transition area around the square. The Historic Preservation Commission passed a resolution for architectural standards in a area in downtown. Ms. Dake read the resolution.

Chair Taylor opened the public hearing.

Kyle Maysel, attorney in San Marcos, Secretary for Downtown Association and member of the Parking Advisory Board. He mentioned that all SmartCode's that he has seen have architectural standards. Mr. Maysel spoke in support of including architectural standards and asked the Commission to consider architectural standards and guidelines prior to approving the San Marcos SmartCode.

Mike Dillan, 1000 Burleson stated he owns property on the 300 block of W. Hopkins. Mr. Dillan said he supports architectural standards. He felt that architectural standards would benefit downtown San Marcos.

James Baker, 727 Belvin Street spoke in support of architectural standards. Mr. Baker gave a brief overview of written comments he submitted to the Planning Commission.

John David Carson, Carson Properties, 1911 Corporate Drive, suite 102 stated he is in favor of the Historic Preservation Commission having the strictest mandatory guidelines over the Historic Building Districts. He pointed out that the SmartCode refers to the HPC. Mr. Carson stated he has concerns if the HPC should be a discretionary judge. He suggested that if something was going to be in the SmartCode that it be extremely clear and not allow interpretations to be made. Mr. Carson also recommended that a CUP warrant process also be included in the SmartCode. In addition, he suggested incentives for property owners. He pointed out that the SmartCode has standards that are clear and easy to follow.

HC Kyle, 711 W. San Antonio Street told the Commission to be careful how the parking and traffic is handled at the bottom of Chestnut Street. He pointed out that sidewalks are desperately needed. Mr. Kyle spoke in support of architectural standards. He encouraged the Commission to include architectural standards in downtown San Marcos and bring in architects that know what they are doing.

Thea Dake, 220 N. Johnson said it is not the HPC's intent to take more into their domain or purview. She stated that having architectural standards would be helpful and not detrimental. Ms. Dake explained that they felt if they are going to be fair to the community and developers, it would be helpful to have an architectural firm who can develop standards that are reasonable, fair, just and honest. She pointed out that it would be the purview of the City to enforce the standards and HPC would offer guidelines that would help developers would around the standards. Ms. Dake stated that they are looking to maintain the overview of the City.

There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Bishop and a second by Commissioner Kelsey, the Commission voted four (4) in favor and four (4) opposed making a recommendation to City Council to approve that architectural standards be developed within one year of the date of the SmartCode adoption for the Historic San Marcos SmartCode area outlined in red on the map and that some simplified voluntary guidelines be defined that can be used in the outside of the SmartCode. The motion failed. Commissioners Ehlers, Seebeck, Stark and Wood voted no.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Kelsey, the Commission voted five (5) in favor and three (3) opposed making a recommendation to City Council that architectural standards be established for an area around the square within 1 year of adoption of the SmartCode. The motion carried. Commissioners Ehlers, Stark and Wood voted no.

19. SmartCode Rezoning. Hold a public hearing and consider action on a zoning change for an area generally bounded by Concho Street, Moore Street, North Street, Comanche Street, Shady Lane, Fredericksburg Street, Hull Street, Guadalupe Street, I-35, McKie Street, LBJ Drive, and CM Allen Street from MF-24 (Multi-family), SF-6 (Single Family Residential), D (Duplex), TH(Townhouse Residential District), SF-4.5 (Single Family Residential), PH-ZL(Patio Home-Zero Lot Line), PDD (planned development District), P (Public and Institutional), OP(Office Professional), NC(Neighborhood Commercial) , MU (Mixed Use), MR(Manufactured Home Restricted), MF-18 (Multi-Family), MF-12 (Multi-Family), LI (Light Industrial), HI (Heavy Industrial), HC (Heavy Commercial), GC (General Commercial), D (Duplex), CC (Community Commercial), CBA (Central Business Area) to T4 (Transect 4), T5 (Transect 5), or CS(Civic Space).

Chair Taylor opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Stark, the Commission voted all in favor to approve the SmartCode rezoning. The motion carried unanimously.

21. Student Liaison. Consider the appointment of a student liaison to the Planning and Zoning Commission.

The Commission directed staff to schedule candidate interviews. Two Commissioners will conduct the interviews and select a Student Liaison.

22. Discussion Items.

There were no discussion items.

Planning Report

- a. Recap of Planning and Zoning Commission annual retreat.

Sofia Nelson gave a brief overview of the Planning and Zoning Commission retreat.

- b. CIP update

Christine Barton-Holmes gave a brief overview of projects.

Commissioners' Report

Commissioner Bishop congratulated to Matt Lewis and staff for the work done on the SmartCode.

Commissioner Wood asked staff to explore options for completing as much of the architectural standards work in house.

23. Consider approval of the minutes from the Regular Meeting on March 22, 2011.

24. Consider approval of the minutes from the Special Meeting on March 29, 2011.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Bishop, the Commission voted all in favor to approve the minutes of the Regular Meeting on March 8, 2011. The motion carried unanimously.

25. Questions and answers from the Press and Public.

There were no questions from the public.

26. Adjournment

Chair Taylor adjourned the Planning and Zoning Commission at 9:15 p.m. on Tuesday, April 12, 2011.

Bill Taylor, Chair

Bucky Couch, Vice Chair

Jim Stark, Commissioner

Travis Kelsey, Commissioner

Chris Wood, Commissioner

Curtis Seebeck, Commissioner

Kenneth Ehlers, Commissioner

Sherwood Bishop, Commissioner

ATTEST:

Francis Serna, Recording Secretary